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DR. S. MOINUL HAQ

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SOCIAL AND POLITICAL ASPECTS OF EGYPTIAN AND YAMANI SUFISM

by

VIRGINIA VACCA, ROME

Two well-known classics of sufism are the *Rawd ar-rayāhīn fī ḥikāyāt aṣ-ṣāliḥīn* by ‘Abdallāh ibn As‘ad al-Yāfi‘ī¹ and the *Lawāqih al-anwār fī ṭabaqāt al-aḥyār*, commonly called *aṭ-Ṭabaqāt al-kubrā*, by ‘Abd al-Wahhāb aṣh-Sha‘rānī². The *Rawd* is a collection of anecdotes about sufis and of edifying legends roughly arranged according to subjects; the *Lawāqih* is a biographical dictionary of sufis. Both these works deal with sufism from the earliest generations of Islam to the time of their authors and contain a wealth of admirable narratives concerning the greatest Muslim saints and thinkers.

We have taken from these two sources a number of texts illustrating only one aspect of sufic life: the social and political role of some *shaykhs* in different epochs. Yāfi‘ī lived in Yaman and died in Mecca in 768/1367, and Sha‘rānī lived in Cairo and died there in 972/1565; although they were far removed in time and space, the ideas they reflect are largely the same, and resemble the folklore and legends of many different peoples all over the world.

1. The hierarchy of Saints :

It is a well-known doctrine in sufism that an invisible hierarchy of saints (*awliyā’*), unknown to other men, and sometimes unknown to one another, governs the world on God’s behalf. The hidden virtues of these men make up for the sins and failings of the common men and ensure the survival of the Muslim community, as also its ultimate salvation. Their number is supposed to be fixed, and when one of them dies a successor is immediately chosen by God from among the best Muslims; for this reason they

¹ We quote the Cairo edition of 1324/1906.

² The Cairo edition in two vols. of 1305/1888 is quoted.

are called the *abdāl*, "those who take turns"¹. They have one living chief, *al-quṭb*, "the pole", and their spiritual head is al-*Khidr*². This doctrine does not stem from the *Qur'an* but is mentioned in *ḥadīth*; its counterpart in the Bible is *Genesis*, XVIII, 23-33, where Abraham intercedes with God for Sodom doomed to destruction, and the Lord answers that if he finds there a certain number of righteous men, he will spare all for their sake. Jewish folklore, to this day, remembers the righteous men who are always present in the community and justify it³, and medieval Christianity had similar legends.

2. Number and distribution of the *abdāl* :

The *abdāl* are first mentioned in Ibn Ḥanbal's *Musnad*⁴; it says : the *abdāl* of this nation are thirty, but also : the *abdāl* will be in Syria and they will be forty persons. Some later sources, giving plenty of information on the number, organization and homes of the *abdāl*, show that in the beginning they were supposed to be few, and their whereabouts were not stated; subsequently they were said to be three hundred or more and each country was believed to have a fixed number of them, while the *quṭb* was unique. Between the *quṭb* and the *abdāl* other classes of saints were

¹ They are also called *Aṣḥāb an-nawbah*, those of the turn. According to L. Massignon *abdāl* means substitutes : these men take the place of al-*Khidr*, helping him in his mission of assisting and saving good men in danger and distress. See Massignon, *Elie et son rôle transhistorique (Khaṭiriyā) en Islam*, in the review *Etudes Carmelitaines*, 1956, p 269 ff. In Moroccan folklore the *abdāl* are considered dead saints, who have the power by turn, one at a time, to help those who invoke them ; they are said to possess the key by turns, and a rhyme recited by women in childbirth says :

Oh men of Allāh

Whose is the turn ?

Let him who holds the key

Open the door for me !

See J. Jouin, *Invocation, pour l'enfantement*, in *Hesperis*, 1953, 3^e-4^e trimestre, No. II-IV.

² *Qur'an*, XVIII, v. 59 ff.

³ A French novel by a Jew, published this year, *Le Dernier des Justes*, by Schwarz-Bart, carries the (hereditary) succession of these just men from the Middle Ages to our own times.

⁴ Quoted by Wensinck, *Concordance*, Liv. II. p. 153, under *abdāl*.

supposed to exist, chosen from the latter, up to the four *awtād*, one of whom became the *qutb*. This is the classical and official theory; however, the episodes given by Yāfi'ī and *Shā'rānī* show that in their time this doctrine had changed and become simpler. Nothing is said about the number of *abdāl* being fixed and limited; moreover the intermediate classes, between the *abdāl* and the *qutb* are no longer mentioned. Another important evolution (or involution?) is this: while each country is supposed to have a certain number of *abdāl*, it is never laid down in the older texts that the *abdāl* of Syria only look after the Syrians, those of 'Irāq after the 'Irāqīs; Yāfi'ī, for instance, has the story of a pilgrim who overheard a conversation between two angels in Mecca⁷. One of them asks the other how many pilgrims had come that year from all parts of the world. They were six hundred thousand. *And how many of them are approved by Allah?—Only six. The pilgrim grieved until he heard the angel say: "Allah will forgive the six hundred thousand for the sake of those six."* Here the intercessors have no tie with any territory; it seems to be implied that any man of a high spiritual level can atone for all men. But when our authors quote episodes concerning their countrymen and contemporaries, they generally represent them as connected exclusively with one place (a few very great saints excepted), while the universal *qutb* is almost absent, or else his universal character is gone: *Shā'rānī* calls a certain Egyptian *shaykh* "the *qutb* of the *Shariyaah*", implying that each Egyptian province might have a *qutb* of its own. Clearly the word had lost its original meaning.

3. Territorial sovereignty and power over nature :

Instead of calling these saints *abdāl*, we shall speak of them as *shaykhs*; the term is broader and more fitting for persons who cannot be reduced to a well-defined theoretical scheme.

The *shaykh* then appears in these texts as a cosmic force, his authority is exercised not only on men, but over animals and inanimate nature. Aḥmad al-Badawī (d. 675) used to say: "By Allah, I swear it, my running waters⁸ flow all around the Ocean and

⁷ Yāfi'ī, p. 54. These dialogues between angels are frequent in *ḥadīth qudsī*.

⁸ Meaning his spiritual powers. The sea is an emblem of the betific vision of Allāh; see Nicholson, *Studies in Islamic Mysticism*, p. 226.

would not fail even if they had to replenish the whole world. He also said : I have been a shepherd of wild animals and fishes in the sea, defending them one from the other ; will Allāh then deny me the strength to protect those who come to my *mawlid* ?”⁹

In each country the head of its spiritual *hierarchy*, depending directly on Allāh, protects the territory and its inhabitants. He is not necessarily a son of that country : Aḥmad al-Badawī, born in Maḡhreb and bred in Mecca, was ordered in a dream to go to Ṭanṭa in Egypt, where he was destined to live. He left Mecca and went first of all to ‘Irāq, where he met the *shaykhs* of that country, ‘Abd al-Qādir al-Jilī and Aḥmad ar-Rafa‘ī. They had died before his time and he must have seen them in a dream or spoken to them standing by their tombs. *They said to him : O Ahmad the keys of India, of Iraq, of Yaman, are in our hands : choose the key you prefer.*” Aḥmad answered : “*I have no need of your keys ; I will only accept a key from the opener of all doors*” (*al-Fattāh*)

Relations between *shaykh* and the country he rules and protects are close and mysterious. The Egyptian Ibrahīm al-Matbulī (d. 800/1475) intended to found a *zāwiyah*. He consulted the Prophet, whom he often saw in his dreams and also when awake. The Prophet said : “*Build your zāwiyah in Birket el-Hajj, it will defend from calamities those entering Egypt from the East and as long as your zāwiyah prospers Egypt also shall prosper.*” This *shaykh* used to say, taking hold of his beard : “*How many misfortunes will afflict Egypt when this beard is no longer there : By Allāh’s might I swear it, after my death my powers will be divided among seventy men, and they will not be sufficient to sustain them.*”¹⁰

Sometimes *shaykhs* used to show omens concerning the country’s future, by executing symbolic and magical acts (it is not clear whether they were fully conscious and intentional). For instance Muḥāsin al-Barlasī (d. 940/1534) used to keep a fire burning almost constantly, summer and winter, and when some

⁹ *Sha‘rānī*, I, p. 186.

¹⁰ *Sha‘rānī*, II, p. 88.

calamity was feared for Egypt, Shaykh 'Alī al-Khawwās said ; "Go to Muḥaisin and see whether his fire is burning or not." If it was not burning, Egypt enjoyed prosperity and plenty. Once Muḥaisin lit his fire and al-Khawwās said ; " Allah has not sent him good news" and actually there came a very serious crisis of trade with India, and extreme depression ensued.¹¹

Ibrāhīm al-Majdhūb, a miracle-working shaykh whom Shā'rānī knew personally, used to sew his own shirts, and when he made the neck too tight, serious misfortunes happened to the people ; if the neck was ample, all went well.¹²

Shā'bān al-Majdhūb, another contemporary of Shā'rānī's could foretell the future ; Allāh acquainted him with the coming events of each year by showing them to him in the new moon. He recognized in it all that was written on it for men, and when he saw that many animals would perish, next morning he put on a skin of the sort of animal that would be affected, cow, sheep or camel,.....and later these very animals would die in large number.¹³ This reminds us of some prophets in the Bible, whose omens and symbolic acts were much stranger than those of these shaykhs.¹⁴

The shaykh's authority over his territory is that of a king and cannot be shared. This is what happened when Aḥmad al-Badawī arrived in Ṭanṭa to take possession : On entering Ṭanṭa he found other shaykhs there : Ḥasan aṣ-Ṣa'igh al-Aḥnā'i, Sidī Salīm al-Maghribī. The first said "We cannot remain here any longer, the master of this country has arrived", and he went back to his birthplace Aḥnā', where his grave is well-known to this day. Sidī Salīm remained in Ṭanṭa; he gave way to Aḥmad and did not oppose him, so Aḥmad let him be, and his grave in Ṭanṭa is well-known. But there were other shaykhs who disapproved of Aḥmad and resisted him, their names and their fame are extinguished. One of them.....was a powerful saint, but dominated by envy. He did not entrust his destiny to Allāh's decree

¹¹ Shā'rānī, II, 144.

¹² Shā'rānī, II, 143.

¹³ Shā'rānī, II, 186-187.

¹⁴ See *Isaiah*, XX, 2-4; *Ezekiel*, XXIV, 3-8; *Jeremiah*, XIII, 1-9, and G. Meloni, *Saggi di Filologia semitica*, p. 190 ff.

and resisted Aḥmad; today his tomb in Ṭanṭa has become a meeting-place for dogs"¹⁵.

Yahyā as-Sanāfirī (d. 772/1370) ruled over Egypt; when Sīdī Yūsuf al-ʿAjamī came to Egypt from Persia he asked Yahyā's permission to enter and obtained it. No saint came into Egypt without his permission.¹⁶

ʿAlī al-Khawwāṣ, a contemporary of Shāʿrānī's was illiterate but could explain the *Qurʾān* and *ḥadīth* wonderfully. It was said of him "Shaykh Khawwāṣ has received absolute power over three-fourths of Egypt and over the countryside; no mystic can enter Egypt without his permission." When another shaykh, Muḥammad ibn ʿAnnān, was asked to intercede for people in very serious difficulties (for instance, for men whom the Sultān had condemned to be hanged) he used to send them to al-Khawwāṣ, saying "We cannot help you, not being endowed with full power over this country."¹⁷

Shams al-Dīn Muḥammad al-Ḥanafī (d. 847/1444) was the *qutb* of his time. He was informed that certain shaykhs of Upper Egypt had come to Cairo to intercede with the Sultān for Khalaf ibn ʿUmar, the former governor of Upper Egypt, who had been arrested. Al-Ḥanafī said "Their request will not be granted, because they came to Cairo as ill-bred people, without asking permission of the master of this country," and actually their intercession failed.¹⁸

A special instance of a Shaykh's sovereignty was the power of acting on nature and regulating the waters of the Nile. Sīdī Muḥammad al-Wafāʾ (2nd half of the VII century, owed his surname of *wafāʾ* (fulness) to the fact that thanks to his intercession the Nile rose in one day by twenty-seven cubits; it was enough for him to stand on the shore and to order the river "Rise, with Allah's leave!"¹⁹

¹⁵ Shāʿrānī, I, p. 184.

¹⁶ Shāʿrānī, II, 3.

¹⁷ Shāʿrānī, II, 151 and 152.

¹⁸ Shāʿrānī, II, p. 100.

¹⁹ Shāʿrānī, II, p. 29. This episode reminds us of the well-known story of ʿAmr Ibn al-ʿAs, who abolished the pagan practice of throwing a virgin into the Nile to ensure that its water would rise. The Caliph ʿUmar sent him a letter to be thrown into the river, asking the Nile to rise "by Allah's leave". This is told by al-Muqaddasī in his *Aḥsan at-taqāsīm fī maʿrifat al-aqālīm*.

‘Alī al-Khawwās, mentioned above, every year, after the Fall of the Drop²⁰ went down to the river, performed his ablution with Nile water, weeping, supplicating Allāh and trembling like a reed shaken by the wind. He then performed a ṣalāt of two rukū’, called upon his comrades to come down to the river and cleaned the steps of the Nilometer with an iron rake, removing the mud with his own hands and allowing nobody to help him in his work. He said it was incumbent upon him to serve the Nile and order it to rise and subside, irrigate the land and bring the seed to ripeness, all this being bound up with his prayers and supplications. The saints of his time recognized that this office belonged to him”.²¹ If it rained in the season when fruit-trees were in flower, Shaykh ‘Alī passed the night in prayer and tears, imploring the storm should cease.

Abu’l-Faḍl al-Aḥmadī, a personal friend of Shā’rānī, was a holy man and “took upon himself people’s troubles, to such an extent that not an ounce of flesh was left on his bones..... Once he said : ‘Allāh has given me this gift : if I but cast a glance on the corn, it will never rot,’ and we proved this to be true, in a store-room where corn had always rotted”.²²

Abu ‘Amr ‘Uthmān ibn Murzūq al-Qurayshi, was an Egyptian *mufti* of the Ḥanbalī school (d. 564/1169). Of him it is told that one year there was huge flood of the Nile ; its waters still covered the land, and the season for sowing was almost over. People came to the shaykh and raised a hue and cry ; he stood on the bank of the Nile and performed the ablution, and immediately the water decreased by two cubits, the land emerged, and next day the sowing began. “Another year he was asked to obtain that the Niles should yield more water ; he went to the bank and performed his ablution, taking a small quantity of water from the

²⁰ On the night of June 17th (coptic calendar) a miraculous drop was thought to fall from heaven into the Nile and to cause its rise ; see Lane, *Modern Egyptians*, I, 224.

²¹ Shā’rānī, II, p 152.

²² Shā’rānī, II, 175. Contrarywise, the Persian mystic Abū Sa’īd ibn Abi’l Khayr says that, in a certain period of his life he was thought to be a lunatic or a heretic and “the inhabitants of every place that I entered declared that their crops would not grow on account of my wickedness.” See Nicholson, *Studies in Islamic Mysticism*, p. 17.

river with a ewer ; that day the Nile began to rise and went on until it reached its normal level.²³

Shaykh al-Hanafī who lived in the island of Roda (where the Nilometer is) was visited by the people of the waters of the Nile (*rijāl al-ma*); they came out of the river dry, decently dressed, wearing turbans whose ends fell on their shoulders, and they performed the sunset *ṣalāt* with him, then went back into the river. The shaykh's daughter naively cried out : "Sir, will they not get wet ?"²⁴.

A consequence of the power these shaykhs had over the Nile was their authority over crocodiles. A man came to Shaykh Muhammad al-Farghalī, of Upper Egypt, complaining that his little daughter had been swallowed by a crocodile. The shaykh told him to go to the place where the child had been taken, and to cry out : " Crocodile, come and speak to al-Farghalī !" The brute came out of the Nile like a boat drawn ashore and stopped at the door of the Shaykh, who had a blacksmith pull out all its teeth and then ordered it to restore the child, who was disgorged, still alive and astonished. Having received from the crocodile a promise that he would never again capture any person, he let it return to the river in tears.²⁵ Another shaykh, when he was in a hurry rode a crocodile, calling him out of the Nile as we would call a taxi ;²⁶ naturally enough, the lives of Christian hermits of Egypt also represent them as being obeyed by crocodiles and hippopotamuses²⁷ and this may be considered a case of *abdāl* taking turns even as between Christians and Muslims; certain functions, deeply rooted in the life of people, continue unaltered through changes of empires and religions.

4. The scapegoat :

Another consequence of the close relation between a country and its Shaykh is that the former sacrifices himself to save the community. Muhammad al-Maghrabī as-Shādhilī, a Turk of

²³ Shā'rānī, I, p. 150.

²⁴ Shā'rānī, II, p. 98.

²⁵ Shā'rānī, II, p. 105.

²⁶ Shā'rānī, I, p. 122, life of Shaykh Muhammad ibn Aḥmad al-Ghamrī.

²⁷ See Rufinus, *De Beno*, IV.

Egypt, (d. 920/1514) gave this definition of the shaykh's expiatory functions: You must take part in the sufferings of sufferers in other parts of the world, consenting to be slandered as they are and bearing this as the great souls of Allah's friends have borne it before you".²⁸

That tender-hearted saint, Aḥmad ar-Rifā'ī (d. 570/1175) known for his candour and gentleness²⁹ used to say in his last illness, being certain of the approach of death: "Things have happened that we have paid for with our life: a huge calamity hung over mankind and I have taken it upon myself in their place, offering as a price what was left of my life-time, and thus I bought it".³⁰

These two Shaykhs suffered for the whole Muslim world, perhaps for all humanity. The responsibility of other shaykhs was narrower.

One night Shaykh Muhammad ibn 'Annān saw a vast disaster descending on Cairo, and immediately sent word to Shaykh 'Alī al-Khawwās, whose office it was to avert it, as the country's supreme protector. Al-Khawwās exclaimed: "Allāh has given him bad news, but *barakah* will intervene. " Then the *muhtasib* of Cairo came, dragged Shaykh 'Alī out of his shop, had him beaten with rods, a ring put through his nose, his hands tied behind him, and had him taken round Cairo and Būlaq. Meanwhile Shaykh 'Annān, immediately after the midday prayer, felt that the calamity had been called off and said: "Run, see what has happened to Shaykh 'Alī." They went, saw his plight, and brought word to Ibn 'Annān, who cried out: "Praise Allāh, He has given this nation someone who takes its misfortunes upon himself!" and he fell on his face in prayers.³¹

²⁸ Shā'rānī II, p. 116.

²⁹ He was particularly compassionate to animals, and once, when a cat was sleeping on his sleeve and the call to prayer came, he cut off the sleeve to avoid waking the cat, and sewed it on later. This episode is attributed by some western authors to the Prophet Muḥammad, who also loved animals, but had no cats.

³⁰ Shā'rānī, I, p. 153-154.

³¹ Shā'rānī, II, 153. The motive of the *muhtasib's* conduct is not explained.

In the following episode a shaykh does not offer himself as a victim but is informed of impending disaster, knows how to forestall it and procures a victim. "Muhammad ibn Hārūn (end of the VII century) was a native of Sanhūr, a city on the Mediterranean coast of Egypt. One day the city's fate was revealed to him: fire would come down from heaven burning it with all its inhabitants. The shaykh ordered thirty cows to be slaughtered and roasted, the meat to be set out in his *zāwiyah*, and ordered the prefects³² not to prevent anyone from eating and carrying food away, so that the people ate their fill and carried off all they could take. The meal was at its end, when a poor man arrived, pale, unkempt, his nudities showing. He asked for food, and they fed him till nothing was left, but were unable to satisfy his hunger; then they turned him out. Immediately the fire from heaven was let loose over the city; Shaykh Muḥammad ibn Hārūn fled with his family and with those who followed him, while all the population perished in their homes and market-places. Later the shaykh said to the prefect: "My son, what have you done? There was one person who by eating wished to take the calamity upon himself freeing our country from it, and you turned him away?"³³

This story is strange: it tells of a sacramental meal, the whole community partakes of it, and a victim has been designed, who after participating in the ritual banquet would give his life for the community. The rite, however, did not have the expected result: the victim, not having satisfied his hunger, was not in the right condition to bring down the punishment on himself: the people perished and the ascetic was probably saved. Strangely enough, this narrative recalls a practice observed in Wales up to the XIX century: the dead were freed from their sins by the *sin-eater*, some poor fellow who consented to eat a meal in the corpse's presence, and was believed in this manner to take upon himself the dead man's sins. The mysterious ascetic who was to assume the fate of Sanhūr,—did he face his doom of his own free will, or was he chosen by the shaykh and sent to his death all unknowing? Or

³² *an-nuqabā*, those responsible for order in the *zāwiyah*.

³³ Shā'rānī, II, p. 3.

was he chosen because his devotions designated him for sacrifice, or because he was the hungriest of all?

No explanation is given. Another strange case is that of 'Aṭā' as-Sulamī, one of the sad ascetics of the II century who was oppressed by a sense of his sins; every time some misfortune befell the people he used to say: "This is 'Aṭā's fault; if he died, men would be delivered of him and have peace"³⁴. There is also the ugly case of an unfeeling *shaykh*, who sacrificed the community for his own benefit, working the *shaykh*-community relation backwards. He was, unfortunately, a disciple of that great mystic, Ibrāhīm ibn Adham and he was an Afghan from Herat, Abu Ishāq Ibrāhīm al-Harawī, who enjoyed great prestige in his native city. He went on the pilgrimage taking nothing with him³⁵ and on the way he prayed, "Allāh, let my maintenance be taken from the riches of the people of Herat, and inflict deprivations on them, to my advantage!" But when he came back, for many days he was in want of food, and when he crossed the market-place people insulted him, saying. "This man spends such a sum every day and night"³⁶. This situation is clear enough: the good merchants of Herat, had found that during his pilgrimage their profits dwindled, they had figured out their losses, they had been informed that the pilgrim had fared only too well, and had concluded that their own good money, by mysterious channels, went into his pocket. Their concentrated spite acted against him, he was reduced to want, not only because his victims no longer gave him anything, but as a direct effect of ill-feeling.

A *shaykh* can also sacrifice himself for a single person, taking his illness upon himself. When Muḥammad ibn 'Annān (d. 922/1516) visited a sick man, prostrated and almost at the point of death, he took his disease upon himself; the patient got up and the *shaykh* fell ill for such a length of time as Allāh willed, perhaps for the duration of the other man's illness³⁷.

34 *Shā'rānī*, I, p. 46.

35 A common practice with *sūfis*, a proof of *tawakkul*.

36 *Shā'rānī*, I, p. 64.

37 *Shā'rānī*, II, 121.

Shaykh Middīn ibn Aḥmad al-Ushmānī (d. 850/1446) was dying; his disciple Muḥammad aṣh-Shuwaymī "gave him ten years of his own life; later on Middīn died while aṣh-Shuwaymī was absent, when he returned, his corpse was being washed. "How have you died?" cried aṣh-Shuwaymī. "I swear that, had I been present, I would not have let you die!"³⁸

5. Relations between Shaykhs and princes :

Since these shaykhs are the lords of the land, how do they behave towards its temporal sovereigns? They act as masters, being the protectors of their territory, they are the ones who confer power on princes, the latter are only their creatures and their subjects. The Sultān almost always recognizes the shaykh's authority, if he defies it he is vanquished. Here are three cases of the VII-VIII centuries belonging to Yaman and related by Yāfi'ī.

Shaykh Abū 'l-Ghayth had a servant who quarrelled with one of the Sultān's slaves and killed him. The Sultān had the murderer executed. When Abū 'l-Ghayth was told, he shook his head and said: "Why should I continue to mount guard? I will come down from my place of observation and abandon the field." In that very same moment the Sultān was murdered. His son, al-Malik al-Muzaffar went to the shaykh and sued for pardon, wearing a shoe on his head or hanging from his neck.³⁹ "What do you wish of me?" asked the shaykh. "The throne—I have already conferred it upon you."⁴⁰

Next case: A certain Imām took possession of a part of the mountain region of Yaman and decided to extend his conquest to the coast. Then the Shaykh Abū 'l-Ghayth wrote a letter to the great saint and scholar Muhammad Ismā'il al-Ḥaḍramī: he informed him that, due to the dangerous political situation, he had decided to leave Yaman, and asked his friend to come with him. Al-Ḥaḍramī answered that he had a large family and many relatives, he could neither take them all with him nor abandon them, and he concluded: "Look after your own territory, and

³⁸ Shā'rānī, I, 104. Bībūr is said to have thus given his life for his son Humāyūn.

³⁹ A sign of humiliation.

⁴⁰ Yāfi'ī, p. 203.

I will look after mine". On reading this letter, Abū 'l-Ghayth (decided not to leave) and said "All is well". Immediately after this, the Imām died suddenly.

The third episode is long, but dramatic ; we quote in full : The great mystic Sufyān al-Yamanī once went to Aden, where he was told : "There is a Jew here upon whom the Sultān has conferred great authority and high office ; he orders Muslims to march under his stirrup, and in his audience chamber, they all have to stand in his presence". At that time Shaykh Sufyān was leading an ascetic life, aloof from the world, in the dress of a *faqīr*. He went to see the Jew and found him seated on a high chair; the Muslims beneath him, squatting on the ground, were busy in his service. The shaykh appeared before him and said : "Say : I bear witness that there is no god besides Allāh and that Muḥammad is the prophet of Allāh !" The Jew raised his voice, calling upon his body-guard to help, but those men were powerless to make the least movement. The shaykh repeated the shahādah to him for the second time, then for the third ; the Jew did nothing but call his soldiers, who were powerless. After the third repetition of the shahādah, the shaykh grasped the Jew's hair in his left hand, seized a knife with his right hand, and saying. "In Allāh's name ! Allāh is most great !" he cut his throat, as animals are slaughtered by butchers. Then he went back to sit in his place in the mosque.

The Amīr was told of this incident, and believed it to be impossible, since the murdered man was a servant of the Sultān and one of his intimate friends, especially as the killer was said to be a *faqīr*. Then the Amīr began to receive, in rapid succession, information concerning the shaykh ; he ordered his servants to bring him into his presence. They went to the mosque, but were powerless to lay hands on him and returned to their master, who rode to the mosque surrounded by his soldiers. None of them was able to enter, much less to lay hands on the shaykh and hurt him. Then the Amīr recognized that Allāh protected him, and turned back. He feared the Sultān would be angry with him, and consulted intelligent and high-placed men; a clever counsellor said to him : "These saints may be caught through another saint. There

is a saint in Lahej called al-Āyidī, call him to you and complain to him about this case". He was called, he came and the Amīr complained to him, took hold of him and said, "I do want the murderer to leave the country before I inform the Sultān of the matter and receive his answer". Al-Āyidī answered: "Good, if it is Allāh's will", and went to the mosque to see Sufyān, who was his dear and familiar friend. He thanked him for his deed, saying "You have removed a stone from the path of the Muslims"⁴¹ and accompanied him on foot to the prison-door, where he said to the jailer: "Here is your man; put him in chains and shut him up in prison". Sufyān held out his leg to the chain, saying, "I obey" and they chained him.

He remained in prison a few days; when he wished he kept his chain on his foot, when he wished he slipped it off and threw it aside. Friday came, and the hour for the public prayer; he loosened his chain, went into the mosque, which he found full of people, walked up close to the Amīr, cast a look all round those present and said: "I will offer for these corpses a prayer of four *takbirs*," recited it, went out of the mosque, back to the prison. He remained there a few days, until the Sultān's answer came, which was: "Let him go, we wish to be safe from him: already, in the past, this man has said that the country belongs to him and that authority is due to him and not to us". So the *shaykh* left the prison—neither the Sultān nor the Devil had any hold over him. Later he quarrelled with the Sultān and said to him: "Get out of my country!" The Sultān was frightened and left. This happened in Abyan, two days' journey from Aden.⁴²

Shā'rānī tells a great many tales about the rulers of Egypt, who showed an abject submission to these *shaykhs*; we shall only quote a few. It must be kept in mind that these princes belonged to the Mamluk dynasties; they had been born and bred as slaves, they were strangers in Egypt, illiterate soldiers who hardly ever succeeded one another from father to son, but came to power according to the fortunes of a stormy period. Clearly there was a vicious circle of pride and obsequiousness between *shaykhs* and

⁴¹ To remove actual stones from the street is recommended in *ḥadīth* as a virtuous act.

⁴² *Zafī'i*, 202—203

Mamlūks, working both ways. We find, for instance, the shaykh al-Ja'barī (d. 687/1288) who addressed a letter to the prince beginning: "From Ibrāhīm al-Ja'barī to the dog az-Zuwayrī"; we find Sultān Qaitbay putting his head under the feet of Shaykh 'Abd al-Qadir ad-Daštātī; if he had told the Sultān to approach him humbly, kissing his hands, the Sultān would have reckoned that day the happiest of his life. When al-Ḥanafī rode through Cairo every Amīr and other great personage who met him went out of his way to accompany him whenever he went... When he passed on horseback, praising Allah at the head of a company like the ṭariqahs of the Persian shaykhs, he drew after him a procession of followers who praised Allah to the sound of music, and hearing the music everybody came out of mosques and houses to see him pass, and the shaykh prayed for them. The Mamlūk Sultān Ṭaṭār, before obtaining the throne, every time he visited Shaykh al-Ḥanafī took off his dress and with his own hands used to fill the basin for ablutions in his mosque. When he became king, he used to call on the shaykh every two or three days, for he could not live without seeing him.⁴³

Zakariyya al-Anṣārī (d. 926/1520) telling aṣh-Sha'rānī his own life, said: "Nobody was ever so patient with me as Sultān Qaitbay; I used to attack him in my sermons, to the point that I thought he would never speak to me again, but as soon as he was out of the mosque after the public prayer Qaitbay used to come to me and kiss my hand, saying: "May Allāh reward you!"⁴⁴.

6. Rivalry:

We have seen that the spiritual head of a country is only one, and that less powerful shaykhs are bound to respect him. The great shaykhs easily take offence and will not suffer the least breach of etiquette: Sha'rānī quotes this personal experience: The amir Yāmīn had been called to Istanbul, and I gave him a letter addressed to the abdāl⁴⁵ of Turkey; the Amīr slipped it into his turban. As soon as he left, Shaykh Muḥaisin al-Barlasī sent me this message: "So according to you men are only so

⁴³ Sha'rānī, II, p. 94.

⁴⁴ Sha'rānī, II, p. 124.

⁴⁵ *riḡal an-nawbah*.

many straws? There is nobody left in Egypt who wears a moustache, besides yourself? You open a correspondence with foreign *sūfīs* without permission from the master of this country. " I begged his pardon in my heart, and the *shaykh* immediately (received my excuses by direct intuition and) sent me this message: " When somebody asks you a question concerning (spiritual) sovereignty (*al-wilāyah*) in Egypt, ask in your heart the advice of great *sūfīs*, so as to show your good manners in your dealings with Allah; when you have done this, act as you like, and you will be blameless, because the great *sūfīs* do not like those who are disrespectful to them. " 46.

When there is a clash, what happens? The weaker of the two *shaykhs* withdraws, or suffers great harm; he may even die. Yāfi'ī tells this story: There were two *shaykhs* in Ḥaḍramūt, the great mystic Aḥmad ibn Jyād and another great mystic, Sa'īd al-Makanī Abū 'Isā, each with his disciples and comrades. One day Aḥmad called with his disciples on *Shaykh* Sa'īd when the latter was about to visit the tombs of saints, and accompanied them in this visit. After they had gone part of the way, it came into Sa'īd's head to turn back at once putting off the visit to another day. He went home with his comrades, while Aḥmad completed his tour. A few days later *Shaykh* Sa'īd went out again with his comrades to visit tombs, and the two *shaykhs* met once more in the street. The following dialogue then passed between them:

Aḥmad: The Law (*ḥaqq*) of the *faqirs* has turned against you, because you have gone back.

Sa'īd: No law has turned against me!

Aḥmad: It is so! But now get up and act according to justice.

Sa'īd: He who tells me to get up, I will cause him to sit down.

Aḥmad: And he who tells me to sit, I will torment him. Each of them was afflicted by the misfortune he had

⁴⁶ *Sha'rānī*. II, p. 144.

threatened his rival with : Shaykh Sa'īd remained paralyzed to the end of his life and Shaykh Aḥmad was racked with pain all his life. Such cases happen when the strength of the two rivals is equal ; otherwise only the weaker man suffers.⁴⁷

A parallel case was told to Shā'rānī by Sīdī Ḥasan al-'Irāqī. This man was living in a certain place, and one day Shaykh 'Abd al-Qādir ad-Daṣḥtutī wished to build a mosque on that spot, and insisted so persistently that al-'Irāqī left. He says : "I went to live on the top of a hill ; seven years later ad-Daṣḥtutī came to me again and said 'Leave this hill !' I answer : 'I will not'". "Then his soul and my soul left our bodies : I cursed him with blindness and he became blind, he cursed me with paralysis, and I was paralyzed. Thus we now live in a sorry condition, he is there and I am here. For this reason I warn you, 'Abd al-Waḥḥāb, to attack no one with your soul ; if anyone attacks you, do not retaliate, if he says 'get out of your *zāwiyah*, or your house', get out and Allah will reward you."⁴⁸

A terrific tale is told about Muḥammad al-Ḥanafī. He was invited to a banquet to make the acquaintance of another great shaykh, 'Alī ibn al-Wafā'. Al-Ḥanafī said : 'First of all ask permission to introduce me, because according to the code of politeness of the *faqīrs* nobody is introduced to a great man without obtaining his leave.' The host obtained al-Wafā's consent ; he rose when al-Ḥanafī came in and seated him next to himself. The following conversation ensued :

Ibn Wafā' : What do you say about a man between whose hands creation rotates, and who makes it go round as he wishes ?

Al-Ḥanafī : And what do you say about one who lays his hand upon it and prevents its rotation ?

Ibn Wafā' : By Allāh I swear it, I leave everything to you and retire.

⁴⁷ Yāfi 'ī, p. 282.

⁴⁸ Shā'rānī, II, p. 140.

On hearing this answer, al-Ḥanafī said to Ibn Wafā's disciples: 'Take leave of your master, for in a short time he will pass on to the Almighty.' This actually happened: a little later al-Ḥanafī heard a disembodied voice which said to him "On this night, O Muḥammad, we have placed in your power what was in 'Alī ibn al-Wafā's hands in addition to what you already held in your hands." Al-Ḥanafī used to say: 'I understood that this could happen only after Ibn Wafā's death, and sent one of the *faqirs* to his house; he found Ibn Wafā had already died'.⁴⁹

A special case of the clash between two *shayḥs* is the following: the strongest deprives the other of his *aḥwāl* (miracle-working powers and mystical state). Here is an incident, not quite clear, in the life of Aḥmad al-Badawī. Travelling to Ṭanṭa "he visited Fāṭimah bint Barrī, a woman of great spiritual power (*lahā ḥāl 'azīm*) and of rare beauty, who used to deprive men of their *aḥwāl*. But Sīdī Aḥmad deprived her of hers, and she repented in his hands promising that in future she would never come into conflict with anyone. Then the tribes which had united against Fāṭimah dispersed, and went back to their homes, and on that day a great meeting of Allah's friends took place.⁵⁰ It seems that Fāṭimah's victims lost their powers when they fell in love with her, and that she finally fell in love with Sīdī Aḥmad al-Badawī, who however refused to marry her.

The following is a very strange case: Muḥammad ibn Hārūn, already mentioned, when he came out of the mosque after the Friday prayer, used to be followed and accompanied home by all the population; one day he passed in front of a child, the son of a man who showed performing apes; the little boy sat on the ground and picked lice out of his clothes, leaning against a wall, with his legs lying across the path. The *shayḥ* thought: "This boy is very rude, he stretches out his legs in front of a man like me!" "No sooner had he formed this thought, that he lost his spiritual gifts, and the people who had gathered around him left him. The *shayḥ* turned back, but could not find the boy. He

⁴⁹ *Sha'rānī*, II, p. 91.

⁵⁰ *Sha'rānī*, II, p. 183.

searched for him throughout the country, and finally found him at Rumeilah,⁵¹ on the outskirts of Cairo. When the boy's father after showing his apes saw him standing there, he said: "Come forward, my master the *shaykh*! A man like you gets it into his head that he has received a high rank and certain powers? This child has deprived you of your gifts because he really had the right to stretch out his legs in your presence, being nearer to Allāh than you are!" The *shaykh* cried out "I repent" and the man told him to go back to Sanḥūr in front of the wall where the child had sat picking the lice out of his clothes. "Call out the lizard who lives in a crack of that wall, and say to it; 'Now Quṣmān⁵² thinks well of me, so give me back my gifts.' " The *shaykh* did this and the lizard came out and blew on his face; immediately Allāh gave him back his spiritual powers.⁵³

Another rule of politeness among ṣūfīs is this: disciples belong exclusively to their masters, even before they have become personally acquainted. Abū 'l-'Abbās al-Baṣīr, of the VII century, was a Maṣḥribī *shaykh* living in Egypt. A certain Sīdī Ḥātim tells this tale about him. "After serving *Shaykh* Abū's-Su'ūd twenty years, I asked him to initiate me into his *ṭarīqah*; he answered: "You are not one of my sons, you are the son of my brother Abū 'l-'Abbās al-Baṣīr, who will come from Maghreb," and when Abū 'l-'Abbās arrived in Egypt, Abū's-Su'ūd called Sīdī Ḥātim and said: "your *shaykh* arrived tonight, go and meet him at Būlāq," so that Sīdī Ḥātim was the first Egyptian to approach, and as soon as they had shaken hands Abū 'l-'Abbās said "Welcome to you, Ḥātim my son! May Allāh reward my brother Abū's-Su'ūd who has kept you in custody for me until my

51 A large square East of the Citadel; up to the early XIX century capital executions took place there.

52 A Greek and Christian name. The boy may have been a gypsy; at that time these came from Greece and the Balkans.

53 *Sha'rānī*, II, p. 3 The lizard is not an animal figuring in Arabian folklore. It would seem that the *shaykh's* spiritual powers, on leaving him, had remained in the place where the incident happened and that the lizard's apparition was a token that Allāh had forgiven him. But *blowing* is a frequent manner of transmitting influxes: the lizard may have had the *aḥwāl* in his keeping, and may have returned them by blowing.

arrival." After the death of Abū 'l-'Abbās one of his disciples went to Sīdī 'Abd ar-Raḥīm; he held out his hand⁵⁴ to the newcomer, who was standing close to the *miḥrāb*, but the hand of Shaykh Abū 'l-'Abbās came out of the wall and pushed aside the hand of 'Abd ar-Raḥīm who exclaimed: "May Allah have mercy on my brother. Abū 'l-'Abbās, who is jealous of his sons, whether living or dead!"⁵⁵

A person enjoying the protection of one Shaykh cannot turn for help to another shaykh. Muhammad al-Ḥanafī's wife, being ill and dying, began to invoke Sīdī Aḥmad al-Badawī (who was dead) saying: "O Sīdī Aḥmad, O Badawī, look upon me!" the good woman evidently did not trust the powers of her husband, people seldom appreciate the professional capacities of family members. She then saw in a dream Sīdī Aḥmad, his face covered by two veils, broad-shouldered, red-faced, his eyes glowing red, wearing his overcoat with ample sleeves. And Aḥmad said to her: "You have invoked me many times, but you are under the protection of one of the most powerful of men. We do not answer the entreaties of those who have such a man on their side; say 'O Sīdī Muhammad, O Ḥanafī!' and Allah will help you." She invoked her husband's name and found herself in better health than before⁵⁶

If the person under a shaykh's protection causes him to act against a rival supported by another shaykh, more powerful than the first, the failure of the weaker shaykh is certain. The above-mentioned Middīn ibn Aḥmad al-'Uḥmūnī protected a certain Egyptian *wazīr* called Yūsuf. A merchant from Ḥijaz was wronged by Yūsuf and asked the shaykh 'Abd al-Karīm al-Ḥidramī to intercede with Allah against the *wazīr*. That same night al-Ḥadramī interceded for the merchant, but he saw Yūsuf surrounded by an iron railing on which was written Middīn Middīn. Next day he told the merchant his dream, explaining: "Middīn is a shaykh under whose protection Yūsuf has put

⁵⁴ This is the *bay'ah*: by the formal act of shaking hands the novice was admitted to the *ṭar qah*.

⁵⁵ Shā 'rānī, II, p. 4.

⁵⁶ Shā 'rānī, II, p. 95-96.

himself; go directly to him, for I have no power to overcome him." ⁵⁷

When al-Ḥanafī was angry with someone he tore him to pieces and destroyed him; even if the man depended on the greatest of saints, the latter was powerless in his defence. Such was the case of Ibn at-Tammār, who spoke harshly of al-Ḥanafī, being under the protection of that great saint, Abū Yazīd al-Biṣṭāmī (who had died long before). "We have torn to pieces ibn at-Tammār," said al-Ḥanafī, "even if he had on his side a thousand Biṣṭāmīs," and immediately the Sulṭān had ibn at-Tammār's house demolished; it is still in ruins. ⁵⁸

7. Instruments of Allah' justice :

Being a sovereign, the *shaykh* is a judge, and also the executor of his sentence directly or indirectly. From an act of pure justice to personal revenge one may go down an inclined plane and reach a very low level. In the first of the following anecdotes, it is quite clear that the avenger is Allah desiring to punish by the *shaykh's* righteous intercession. Elsewhere this concept becomes dimmed, and the powerful *shaykh* is pitiless in his revenge.

In a street of Baghdad a man had taken hold of a woman who resisted; he went with his knife at anyone who tried to help her and was furious. While the crowd gathered around them and the woman cried out in that rascal's hands, Biṣhr al-Ḥafī passed by. He went near the man and brushed his shoulder against the other one's shoulder. The fellow fell down, the woman ran away and Biṣhr went on his way. The people approached that man, who was drenched with perspiration, and asked him what had happened. He answered: "I know nothing. An old man brushed my shoulder saying, 'Allāh sees you and knows what you are doing.' I was thunderstruck, full of respect and awe, but I do not know who that old man was.—He was Biṣhr ibn al-Hārith!—Woe is me! How will he look upon me from today?..." He was taken with a fever, and died on the seventh day ⁵⁹.

⁵⁷ *Shā'rānī*, II ; p. 102.

⁵⁸ *Shā'rānī*, II ; p. 95.

⁵⁹ *Yāfi'i*, p. 171.

It is told that in Ṭabaristān there was a tyrant, a corrupter of maidens, a blood-thirsty man. One day an old woman in tears went to Shaykh Abū Saʿīd al-Qaṣṣāb and said : "Help me ! I have a young and handsome daughter, and that oppressor has sent word that he will come to my house to wrong her. I turn to you, perhaps you can avert this harm from us." The Shaykh lowered his head, then he raised it and said : "There is no longer among the living anyone whose prayers are exhausted. Go to the cemetery, you will find someone who can help you in your need." She went to the cemetery and found there a handsome and well dressed young man, from whose person a sweet perfume came. She told him her case ; he said "Go back to Shaykh Abū Saʿīd and tell him to pray for you ; his prayer will be answered." The woman cried out : "The living send me to the dead and the dead send me back to the living—thus no one will help me ! Where can I go ?" The young man insisted : "Go back to him, through his prayers you will get your wish." "She went back; she told him everything; the shayḥ remained for a time in such deep meditation that the sweat flowed from him, then he gave a cry and fell on the ground. And immediately the news spread through the town ; while the Amīr was going to the old woman's house, his horse had slipped, he had fallen and broken his neck. When the shaykh regained consciousness, they asked him : "Why did you not satisfy the old woman the first time, instead of sending her to the cemetery ?" He answered "I did not like to shed that man's blood by my prayers, so I sent her to my brother al-Khidr. He sent her back to me, to tell me that I was allowed to pray against the Amīr."⁶⁰

It is told that a certain shayḥ in Raqqah received complaints against the governor of the city, so that his feelings for the governor were altered. One day the governor passed by chance near the shayḥ, who cried out in his face "Die" and he died immediately.⁶¹

⁶⁰ Yafiʿī, p. 146.

⁶¹ Yafiʿī, p. 209, To obtain a result, it is apparently necessary to cry out ; see further on the case of Jabalah and Zurayq.

A *faqīh* of Yaman relates : I saw *Shaykh* Riḥan of Aden behaving in an unlawful manner in the street and I thought : "Look at this man, who is famed for his goodness, how he does blamable and forbidden things !" That night my house was burnt down.⁶²

Shā'rānī relates an acute judgement of Ziyād ibn Abīhī, the caliph Mu'awiyah's half-brother, on just such a case. Muṭraf ibn 'Abdallāh ibn aṣh-Shukayr was wronged by a certain man. He cried out "May Allah take your life at once !" and the man died. Muṭraf was taken before the Governor of Baṣrah, Ziyād, who asked "Did he touch the man ?" "No" "Then let him go, nothing has happened but this : the prayer of a good man has coincided with a predestined event."⁶³

The Egyptian incidents that follow are really horrific :

Muḥammad ibn Aḥmad al-Farḡhalī (d. 850/1446) once sent a man to intercede with an Amīr, on behalf of a fallāḥ ; the Amīr gave a rude answer, which was repeated to the *Shaykh*. The latter began to scrape the ground with his fingers as if he was digging. Later it became known that the Sultān had become angry against that Amīr and had ordered his house to be demolished (its ruins are still to be seen, near the mosque of Ibn Ṭūlūn). Later the Sultān ordered him to be beheaded. Somebody asked the *shaykh* "What was the reason of your scraping the ground ?" He answered : "I don't know ; God caused me to do so."⁶⁴

Once *Shaykh* Muḥammad al-Hanafī reproached an Amīr who was nicknamed "the Butter", because every time he butted with his forehead against another man's head he used to break his skull, and he was in the habit of butting against the slaves, under the eyes of Sultān al-Malik al-Ashraf Bay Bars. When a messenger brought the *Shaykh's* complaint to him, this Amīr answered : "Tell your master to remain seated in his *zāwiyah* and not to annoy me otherwise I will butt against him and break his head". The messenger brought back this answer, and the

⁶² Yāfi'ī, p. 239.

⁶³ *Shā'rānī* I, p. 33.

⁶⁴ *Shā'rānī*, II, p. 160. In the *Qur'an* VIII, 17 referring to the incident of Muḥammad's throwing a handful of earth against the enemy in the battle of Badr, it is said "not you, but Allāh, threw it."

shaykh said nothing, but that evening the Amīr took off his turban and began to butt against the wall until he died. The Sultān was informed, and remarked, "he has been killed by al-Ḥanafī".⁶⁵

Once al-Ḥanafī sent his son-in-law Ibn Qutaylah, to intercede with a notable of Maḥallah al-Kubra, who answered: "If Ibn Qutaylah was a true *faqir*, he would not defy those that are powerful, and if he does not hold his tongue, I will cut his bowels to pieces". Ibn Qutaylah was offended and reported this answer to the shaykh, who said: "His bowels will be cut to pieces". He then sent a group of *faqirs* to Maḥallah al-Kubrā, ordering them that, as soon as they passed in front of that rascal's house, they were to recite their *dhikr* in a loud voice. As soon as they did so, the man began to vomit, and spat out his bowels in pieces, until he died.⁶⁶

Cases of people killed by the recitation of the *Qur'an* are not rare. Thus Yāfi'ī relates that there were in the Maghreb two shay'hs, with their comrades and disciples, Jabalah and Zurayq. One day Jabalah went to see Zurayq with his comrades, one of the latter recited a verse of the *Qur'an*. On hearing it, one of Jabalah's comrades cried out loudly and died on the spot. Next morning Jabalah said to Zurayq: "Where is the man who recited the *Qur'an* yesterday? Let him now recite another verse." He did and Jabalah cried out loudly—the reciter fell down and dead. Said Jabalah: "One man for another and the one who began it is responsible!"⁶⁷

Muḥammad al-Munīr (d. 950/1524), an Egyptian personally known to Shā'rānī, went every year on the pilgrimage and brought the people of Makkah and Madīnah food and useful presents. Sicī Muḥammad Ibn al-'Arrāq criticised him saying, "These things that he brings are forbidden or suspicious, because they have been bought with money offered by Amīrs and merchants

⁶⁵ Shā'rānī, II, p. 96.

⁶⁶ Shā'rānī II, p. 96.

⁶⁷ Yāfi'ī, p. 135

of Cairo⁶⁸. Al-Munīr was informed of this criticism, went to al-‘Arrāq barefoot and with his head uncovered⁶⁹ and when he came to the door of his cell, which was in the Prophet’s *rawdāh* in Madīnah he kissed the doorstep and stood there, with lowered head, in an humble attitude, saying, “*Sir*, Muḥammad al-Munīr is here.” The other did not answer at all; al-Munīr repeated his words, al-‘Arrāq continued to be silent. Al-Munīr came away. When this incident was related to al-Khawwas, who had arrived with the Egyptian pilgrimage, he said: “By the power of Allāh, he has killed him! Every time al-Munīr has gone to a *faqīr* in this manner, he has caused his death.” And al-‘Arrāq actually died, twenty days after the departure of the pilgrimage from Madīnah.

Aḥmad al-Badawī (after his death) used to be cruelly revenged on those who criticised his *mawlid*, during whose celebrations morality and law and order were not always respected. One of his critics “lost his faith; not even one hair of his body aspired to Islam”. He invoked Aḥmad who answered: “On condition you do not do it again”, and with this promise returned to him “the dress of his faith.”

Other persons who blamed Sīdī Aḥmad were punished by him with a fishbone sticking in their throats and infecting their neck for several months, and other mishaps of the same kind. One lost the *Qur’an* (by heart), his science and his faith and none of the *shaykhs* he turned to for help could restore them, until *Shaykh* Yāqut al-‘Irshī went to Aḥmad’s tomb and begged “Give back his capital to that unfortunate man”, and Aḥmad, who used to speak with visitors to his tomb, consented, provided the wrongdoer should repent.⁷⁰

We have come to the last of these cases of retaliation (and the case is not unique); the Egyptian Ḥasan at-Tustari (d. 797/L395) as a revenge on the *wazīr* who in his absence had closed his *zāwiyah*, closed all the openings in his body; “immediately

⁶⁸ Their money was not pure, it might have been obtained by usury or extortion. These scruples of Sūfīs concerning the origin of money and gifts received is very often mentioned.

⁶⁹ The attire of a person about to perform magical acts.

⁷⁰ *Shā’rānī*, II, p. 186-187.

the *wazīr* became blind, deaf and dumb ; his nose was obstructed, so that he could not breathe, his natural holes, in front and behind were bunged up, and so he died suddenly".⁷¹

8. The Malamaṭiyyah :

The power of these *shayḫs* was such, that they were answerable only to Allah ; al-Yaṣī'ī says that a Yamani ṣūfī was present at the investiture of the *qutb* *Shayḫ* Abū' *Ghayth*. He saw him suspended in the air, holding a naked sword, the symbol of his authority ; beside him was his future successor. On this occasion Allah is supposed to have said to him : "When you wish to do something, act without asking my permission, for it pains me to see your face humiliated in the act of asking." ⁷² From such a point of view to the exemption of these *shayḫs* from any ethical law, the distance is not great. Anecdotes abound about ṣūfīs who neglected the *ṣalāt*, despised the pilgrimage and committed all sorts of offences and there is a special class, called the *malāmaṭiyyah*, who in their humility sought to be despised and condemned : this attitude is not unknown to Christian saints.

The preceding anecdotes shows a very primitive conception of the saint as an ethically indifferent cosmic force. One has the impression that such people were not wicked, that the worst of them were abnormal and unbalanced : their strange conduct was encouraged by the blind veneration that surrounded them and by the certainty of escaping punishment. A contemporary of *Shā'ranī*, the negro *Shayḫ* Abū *Khuda*, "the man with the helmet," for instance, was one of those who wished to be thought bad, and to this end he acted strangely, but if anyone criticised him he got angry. He carried a forked stick, to beat those who resisted him. When he met a woman or a boy he laid hands on them and made improper proposals, even if they belonged to the families of Amīrs and *wazīrs*, and in the presence of their fathers or of other people and nobody objected. Once he got angry with *Qorqmaz*, a great Amīr of al-*Ghāri*'s time, and beat him under the eyes of his soldiers.⁷³

⁷¹ *Shā'rānī*, II, 67.

⁷² *Yāfi'ī*, p. 203.

⁷³ *Shā'rānī*, II, p. 136.

Shā'rānī numbers among his *akhyār* even a disgusting person, of whom he can not say a word of good, but whom he cannot help mentioning, because he must have been well-known, venerated and thought worthy of being recorded. He was a certain Ḥabīb al-Majdhūb, and 'Alī al-Khawwās used to say: "Ḥabīb is a spotted serpent, Allāh created him only that he should do evil," and when he saw him he exclaimed: "Lord, remove evil from us!" He worked no miracles, unless to harm people. I will tell nothing about him. Every time that, going by me, he looked at me, I felt a violent contraction of my soul (*Qabḍ*) and was perturbed for the rest of that day. When he died al-Khawwās exclaimed: "Praise to Allāh!" He was buried—may Allāh have mercy on him—on a hill outside the city. I wish Allāh joy of him.⁷⁴ These pious words of Shā'rānī's may be conventional, but they reflect the gentle and indulgent spirit of good Muslims like him, who trust Allāh's boundless mercy.

The anecdotes we have quoted may have a certain interest because anyone interested in ethnology, folklore and the history of religions will find many parallels for them in different epochs and all over the world. The darkest of these episodes do not impair, indeed they set off by contrast, the vast and admirable picture of the glories of sufism, that Yāfi'i and Shā'rānī have given in their works.

⁷⁴ Shā'rānī, II, p. 143.

SIRAT AL-NABI OF 'ALLAMAH SHIBLI

By

FAZLUR RAHMAN

(continued)

Dirayah, the Second Principle of Research :

The second principle of research about events was to ascertain if the incident related was in accordance with reason.

The beginning of Dirayah :

This principle also was in fact laid down by the Holy *Qur'ān*. When the hypocrites slandered Ḥaḍrat 'Āyeshah, the news was spread in a manner that even some of the Companions were misled. It is recorded in *Ṣaḥīḥ Bukhārī* and *Muslim* that even Ḥaḍrat Ḥassān was among the traducers. And it was for this reason that legal punishment for slander was enforced. This has been clearly mentioned in the holy *Qur'ān*. Lo! They who spread the slander are a gang among you (*Sūrah, Nūr*)

The phrase, *minkum*, has been explained in the *Tafsīr Jalalayn* thus : a group from among the believers. One of the verses of the Holy *Qur'ān* which were revealed regarding the innocence and purity of Ḥaḍrat 'Āyeshah is : Wherefore, when ye heard it, said ye not : It is not for us to speak of this. Glory be to Thee (O Allah)! This is awful calumny. (*Sūrah, Nūr*).

According to the general principle the method to be followed for the scrutiny of a report of this nature was to enquire first of all the names of the narrators and then to see whether they were true and dependable. And then evidence was taken. But Allah has said in this verse : why did you not, as soon as you heard it, say that this was a great calumny? This proves positively that a statement contrary to reason must be regarded as false. This method of research i.e. *Dirāyah* had already begun in the time of the Companions.

Some jurists are of opinion that ablution is rendered invalid by eating things cooked on fire. When Ḥaḍrat Abu Hurayrah in

the presence of 'Ābd-Allah bin 'Abbās attributed this to the Prophet, 'Ābd-Allah bin 'Abbās said that if it were true then the ablutions would have become invalid if one drank water heated on fire.¹ Ḥaḍrat 'Abd-Allah bin 'Abbās did not regard Abu Hurayrah to be a weak narrator, but because to him this narration was against reason he did not accept it and thought that there might have been a misunderstanding.

When the work of the collection of *Ḥadīth*es began the *Muḥaddithīn* established the principles of *Dirāyah* as well, some of which are :

Ibn al-Jawzi² has said : when you find any *Ḥadīth* to be contrary to reason or an accepted principle you should know that it is fabricated, and in such a case it is not necessary to argue whether the narrator is dependable or not. Similarly such *Ḥadīth*es are not to be accepted as are against things perceived by senses, and observations and where there is no room for explanation, or in which there is threat of severe punishment for a trifling thing, a promise of great reward for slight service,³ or in which there is absurdity, as for instance : pumpkin should not be eaten without being slaughtered. For some *Muḥaddithīn* have regarded absurdity to be a proof of the unreliability of the narrator. All those principles have reference to narrations. They sometimes refer to narrators themselves, as for instance, the incident of *Ghayāth* with Khalīfah al-Mahdī, or when a narrator narrates such *Ḥadīth* as was not narrated by any body else, and the narrator has not met the person from whom he quoted or a *Ḥadīth* which has been narrated by only one narrator although the matter was such that others also should have known it, as has been explained by al-Khatīb Baḡhdādī in the beginning of his book, *Kitāb al-Kijāyah*, or a narration which relates an important event which, if it had happend, must have been narrated

1 See *Saḥīḥ Tirmidhī*, chapter on ablution.

2 *Fath al-Mughīth* (Lucknow), p. 114. It is a pity that this edition contains printing errors. We have, however, reproduced the text as it is. These principles (mentioned above) were not established by Ibn al-Jawzi but he has taken them from the *Muḥaddithīn*.

3 The comments of the editor have been omitted.

by hundreds of persons ; as for instance the incident that some enemy prevented the *Hājis* from performing the pilgrimage.

Principles in respect of Narrations :

The purport of the above extract is that under the circumstances noted below a narration would not be considered reliable and it would not therefore be necessary to scrutinise whether its narrators were trustworthy or not :

A narration which is contrary to

1. Reason,
2. Accepted principle,
3. Things perceived by senses and observation,
4. The *Qur'ān*, or a *Ḥadīth* with an unbroken chain of narrators or a consensus of opinion, and in which there is no room for explanation ; and
5. A *Ḥadīth* in which there is a threat of severe punishment for a trivial matter.
6. A *Ḥadīth* in which there is a promise of a great reward for slight service.
7. A narration which is absurd, as for instance : do not use pumpkin without slaughtering it.
8. A narration by a person who was alone to narrate it from another person and he had not met the latter (his authority).
9. A narration which should have been known to all by its very nature, and yet no one else has narrated it.
10. A narration relating an incident which deserves so much attention that if it had happened hundreds of men would have narrated it ; and yet only one narrator has narrated it.

At the end of his work, *Mawḍu'āt*,* Mullā 'Ali Qārī has formulated some principles in detail with regard to the unreliability of *Ḥadīthes* and has mentioned instances. We give below a summary of these principles :

1. A narration of *Ḥadīth* containing absurdities which could not have possibly been uttered by the Prophet, as for instance : When a person repeats *Lā ilāha illallah*, Allah creates a bird out of

this utterance which has seventy tongues, and in every tongue there are seventy thousand words.....

2. A Ḥadīth which is contrary to observation, as brinjal is a remedy for every disease.

3. A Ḥadīth which is opposed to evidently true Ḥadīthes.

4. A Ḥadīth which is contrary to fact, as for example : one should not take bath with the water kept in the sun, because it produces white leprosy.

5. A Ḥadīth which has no resemblance with the sayings of the Prophets, as for example : three things improve sight : greenery, running water, and seeing a handsome face.

6. The Ḥadīthes containing prophecies about future happenings with definite dates, as for example : this event will happen in such and such year and on such a date.

7. The Ḥadīthes which resemble the sayings of physicians, as for example : one gets strength by taking *harisah* (a kind of pottage) ; or, a Muslim is sweet natured and likes sweets.

8. A Ḥadīth, grounds of whose falsity exist as for example : 'Awj bin 'Anaq was of three thousand yards height ?

9. *Contrary* to the *Qur'ān*, as for example : the life of the world is seven thousand years, in as much as if this narration is correct everyone could tell that the Day of Judgement would come after so much time, although it has been established from the *Qur'ān* that no body knows the time of the Day of Judgment.

10. The Ḥadīthes which are about Ḥaḍrat Khidr.

11. The Ḥadīthes whose language is undignified.

12. The Ḥadīthes which describe individually the merits of the *Sūrah*s of the *Holy Qur'ān*, although such Ḥadīthes are found in *Tafstrs* of Al-Bayḍāwī and Al-Kashshāf.

The *Muḥaddithīn* have followed these principles in most cases and on their basis rejected many narrations as for example, it is related : The Prophet had exempted the Jews of *Khaybar* from the *jizyah* and had this exemption recorded in a document. Mulla 'Ali Qārī says that this narration is to be regarded as false for several reasons :

1. Sa'd bin Mu'adh is stated to have been a witness to this document, although he had died during the battle of Khandaq.
2. In the document the writer's name is given as *Muā'-Wiyah*, although he embraced Islam at the time of the conquest of Makkah.
3. Till that time the *Jizyah* was not ordained. The order for *Jizyah* was revealed in the *Qur'an* after the battle of Tabuk.
4. It is written in the document that no Jew would be subjected to forced labour ; although the practice of forced labour did not exist in the time of the Prophet.
5. Why should *Jizyah* have been remitted in the case of the people of Khaybar, who had so vehemently opposed Islam ?
6. How could the people of Khaybar be exempted from the *Jizyah* when it was not remitted in the distant parts of Arabia where opposition and enmity were not so intense ?
7. Had *Jizyah* been remitted in their case, it would prove that they were well-wishers and friends of Islam and deserved concession although after some time they were made to migrate.

Comments :

This was a brief and simple history of *Sirah*. Now we want to critically examine its different aspects.

I. There exist today hundreds of books on *Sirah*, but the ultimate sources of all of them are only three or four works : *Sirah* Ibn Ishāq, Wāqidī Ibn Sa'd Ṭabari. All others are later works and most of the events they contain have been taken from them (*Sirah* Ibn Ishāq etc.)¹ For this reason we should examine the above works in greater detail and more critically.

Among them Wāqidī deserves to be totally eliminated. The *Muḥaddithin* unanimously hold that he concocts narrations, and his book itself is a proof of this fact. Even the greatest writer of today cannot record events witnessed by him with such varied and interesting details as Wāqidī did.

The three writers other than Wāqidī are reliable. In spite of the fact that Imām Mālik and some other *Muḥaddithin* have questioned his integrity, Ibn Ishāq holds such a position that Imām

¹ The editor's note within brackets has not been translated.

Bukhārī has recorded narrations on his authority in his treatise, *Juzw al-Qurāt*, and has regarded him to be correct. No one has questioned the integrity of Ibn Sa'd and Ṭabarī. But we regret to say that the fact of their being trustworthy did not make their works wholly reliable. They themselves did not participate in the events and hence whatever they narrated was on the authority of others. But many of their narrators were weak and unreliable. Besides, the original book of Ibn Ishāq is extinct.¹ It is available only in the changed version of Ibn Hishām, edited and re-arranged by him. But Ibn Hishām has narrated the contents of Ibn Ishāq's work on the authority of Ziyād Bakkāī, and Bakkāī, though a man of status, does not come up to the high standard required by the *Muḥaddithīn*. Ibn Madīnī (teacher of Imam Bukhari) says: He is weak and I have rejected him. Abu Ḥātim says: He is not fit to be relied upon. Al-Nasāī says: He is weak.

More than half of Ibn Sa'd's narrations are taken from Wāqidi; their reliability is no better than that of Wāqidi's. Of his other narrators some are trustworthy, some are not.

The great narrators of Ṭabarī, such as Salmah Abrash, Ibn Salmah and others were weak narrators.

For these reasons, generally speaking the materials on *Sirah* are not comparable to those of works on *Hadith*. Nevertheless, as much of them as can stand the test of research and investigation may be regarded as reliable.

Difference in the status of works on Hadith and Sirah :

The comparatively low standard of works on *Sirah* is largely due to the fact that the need of research and investigation was confined to the *Hadithes* relating to legal ordinances. That is to say, only those narrations on which are based the legal ordinances needed thorough investigation. The rest of the narrations dealing with *Sirah* and rewards of virtuous deeds needed no such strictness and care. Ḥafiz Zayn al-Dīn 'Irāqī, a *Muḥaddith* of high status says in the preface to *Sirah Manẓum*: The seeker should know

1 [It is now known that a fragment of Ibn Ishāq's *Sirah* is in the library of the Qarawīyīn mosque at Fez. A photostat of the same is available in the library of the Pakistan Historical Society—Tr.]

that narrations, both correct and incorrect are collected in *Sirah*. This is the reason why in the description of virtues (of the Prophet ﷺ) and rewards of good deeds many weak narrations have become current, and many scholars of repute have thought it legitimate to include such narrations in their works. 'Allamāh Ibn Taymiyah writes in *Kitab al-Tawassul* :! This *Ḥadīth* has been narrated by those who have written books on deeds to be done during day and night, for example Ibn al-Sinni and Abu Nu'aym. In these kinds of books are contained many false *Ḥadīth*es, and it is unlawful to rely on them. All scholars agree on this.

Ḥākim has recorded in *Mustadrak* the following *Ḥadīth* : When Ḥadīrat Ādam committed sin, he said, "Oh Allah ! pardon me for the sake of Muḥammadﷺ. Allah said, "how could you know Muḥammad ?" Ādam replied, "When I raised my head and looked at the feet of 'Arsh, I noticed there written the words, there is no god but Allah and Muḥammadﷺ is His Prophet. From this I guessed that among the created beings the person whose name has been written along with Thine must necessarily be dearest to Thee." Allah said, "O Ādam, you are right. But for Muḥammadﷺ I would not have created you." Ḥākim, having quoted this *Ḥadīth* says that it is genuine.

'Allamah Ibn Taymiyah, having mentioned these words of Ḥākim says : The Imāms of *Ḥadīth* have rejected the view of Ḥākim regarding these *Ḥadīth*es being genuine and have said that Ḥākim considers many false and concocted *Ḥadīth*es to be true. Thus in Ḥākim's *Mustadrak* there are many *Ḥadīth*es which he has accepted as genuine although they are regarded as concocted by the scholars of *Ḥadīth*."

The aforesaid 'Allamah on another occasion, while mentioning the book of Abu al-Shaykh Isfahāni, writes : " And in it there are many *Ḥadīth*es which are solid, genuine and of fair authority, while there are many others which are weak, concocted and meaningless. Similarly are the *Ḥadīth*es narrated by Khaythamah bin Sulaymān about the merits of the Companions, and also the *Ḥadīth*es narrated by Abu Nu'aym Isfahāni in a regular

book and in the beginning of *Hilyat al-Awliya* about the merits of the Caliphs, as well as the narrations recorded by Abu Bakr al-Khatīb, Abu al-Faḍl, Abu Mūsā al-Madīnī, Ibn 'Asākir and Ḥafīẓ 'Abd al-Ghānī and others of the same status.

It is to be noted that Abu Nu'aym, al-Khatīb Baghdādī, Ibn 'Asākir, Ḥafīẓ 'Abd al-Ghānī and such other scholars were the Imāms of *Ḥadīth* and narrations. But in spite of their being so, they used to narrate without any hesitation weak *Ḥadīthes* about the merits of Caliphs and the Companions. The reason was that it was generally believed that care and strictness were needed only in case of *Ḥadīthes* pertaining to things lawful and forbidden. In the case of other narrations it was considered sufficient to give the chain of narrators; research and investigation were not thought to be necessary.

It is written in the *Mawḍu'āt* of Mulla 'Alī Qārī that in Baghdad a preacher quoted the *Ḥadīth* that on the Day of Judgment Allah will have the Prophet seated by His side on the 'Arsh. Imām ibn Jarīr Ṭabarī was greatly annoyed to hear this and had these words written on the door of his house: No one can sit by the side of Allah. At this the people of Baghdād were greatly excited and threw stones at his house until its walls were buried under them.

In this connection the following point deserves special consideration: This is an accepted fact that in *Ḥadīth* and narrations no person was a greater expert than Imām Bukhārī and Muslim. Again, they had distinction over other *Muḥaddithīn* because of their more intense faith in, and sincerity and devotion to the Prophet. In spite of this fact their works do not contain such exaggerated narrations about the merits and virtues of the Prophet as are found in Bayhaqī, Abu Nu'aym, Bazaz, Ṭibrānī and others like them. In fact *Ḥadīthes* of this nature which are found in Nasāī, Ibn Mājah, Tirmidhī etc. are also not included in the collections of the two *Ṣaḥīḥs*. This proves that the number of exaggerated narrations decreases in proportion to the intensity of research and investigation, for example, Bayhaqī, Abu Nu'aym, Kharaiṭī, Ibn 'Asākir, and Ibn Jarīr have narrated that at the

time of the birth of the Prophet, fourteen minarets of Kisra's Palace fell down, the Fire of Persia was extinguished and the Tiberiade Sea dried up. But in the *Saḥiḥs* of Bukḥarī and Muslim, nay, in the six *Saḥiḥs* no trace of this narration can be found.

The books on *Sirah* are based on such works (Ṭibrānī, Bayhaqī, Abu Nu'aym and others). For this reason many weak narrations have found their way into these works. and the *Muḥaddithin* had to say: there are all kinds of narrations in *Sirah*.

The principles which were laid down by the *Muḥaddithin* were disregarded by the people in connection with the narrations of *Sirah*. The first principle of the *Muḥaddithin* was that the chain of narrations should not break anywhere up to the actual occurrence. But most of the narrations recorded about the birth of the holy Prophet, have incomplete chain of narrators. Among the Companions none was old enough to narrate the events at the time of the birth of the Prophet. The oldest of them was Ḥaḍrat Abu Bakr, and he was younger than the Prophet by two years.

For this reason most of the narrations relating to the birth of the Prophet have no uninterrupted chains of narrators, and this is why many untrue narrations have become current. For example Abu Nu'aym has narrated on the authority of the revered mother of the holy Prophet, that when the Prophet was born, many birds having peaks of emerald and feathers of rubies, flocked into the house. Then a white cloud appeared and carried the Prophet. A voice was heard: This child should be taken round the East and the West and all oceans so that all should know him.¹

The bulk of the Maḡḥāzī narrations have been taken from Imām al-Zahri, but most of his narrations which have been quoted in Ibn Hiṣḥam and *Ṭabaqāt* Ibn Sa'd have broken chains of narrators.

¹ This narration has been recorded in the *Mawāḥib al-Ladunniyah*. It contains much exaggeration. I have given only a small portion.

Indifference of the Sirah Writers towards Hadith Literature :

It is greatly surprising that the well-known authors, like Imām Ṭabarī, have not utilized authentic works on *Ḥadīth* in writing *Sirah*. Some events are of great importance, and about them there is useful information in books on *Ḥadīth*, sufficient to settle all difficult points, but it is not found in *Sirah* and History, as for example, the question: Which side was responsible for starting hostilities after the Prophet had migrated to Madīnah? This is a controversial problem. From the accounts of all the *Sirah*-writers and historians it appears that the beginning was made by the Prophet. But in the Sunan of Abu Dāwūd there is a clear and definite *Ḥadīth* to the effect that before the Battle of Badr, the unbelievers of Makkah wrote to 'Abd-Allah bin Ubbay: You have given shelter to Muḥammad in your city. Drive him out. Otherwise, we will invade Madīnah and destroy you and Muḥammad both.¹ This fact is not at all mentioned in the works on *Sirah* and History. Some of the writers on *Sirah* when they made a searching investigation about *Ḥadīthes*, they had to admit that many narrations contrary to genuine *Ḥadīthes* had been included in the works on *Sirah*. As these works had already been extensively published it was not possible to rectify the errors.

Ḥafīẓ Ibn Ḥajar quoting a statement of Damyāti writes :—

This statement proves the fact that wherever Damyāti had agreed with the *Sirah*-writers in opposition to genuine *Ḥadīthes*, he had (ultimately) to retract. But because its copies had already been in wide circulation, rectification was not possible.³

Tadlis of the Sirah Writers.

The *Sirah*-writers of latter generations, while making narrations mentioned the earlier writers as their authorities. As the latter were regarded to be authentic, all such narrations were accepted as trustworthy. The original works were not within the reach of every body, therefore people could not trace the narrators.

¹ The text of this *Ḥadīth* will be recorded when the Battle of Badr will be described.

² Zurqani, Vol. III, p. 11.

Gradually all these narrations were incorporated in the books. The result of the *practice of concealing the original narrators*¹ was, for example: the narrations mentioned in the works of Wāqidī are generally regarded unreliable, but these very narrations are accepted as reliable when related on the authority of Ibn Sa'd. When the original work of Ibn Sa'd became available it was found that in most cases his narrations were taken from Wāqidī.

¹ Tadlis.

THEORY AND PRACTICE OF LAW IN ISLAM

by

M. B. AHMAD, M.A., M. LITT. (CANTAB)

(*Continued*)

Prerogative :

The Muslim ruler possessed the power of commuting sentences or what is nowadays called the prerogative of mercy. It was not used by the first four Caliphs of Islam, but according to Ameer Ali¹ was introduced in the eighth century A. D. by the Caliph Al-Mu'awiyah. It was exercised in India during the period of the Sultanate and the Muḡhul Rule in practically every kind of case ranging from theft to murder and dacoity with murder. It enhanced the personal prestige of the sovereign, and this fact may have influenced the Muḡhul Emperors in their policy of insisting upon death sentences being submitted to them for confirmation in order that they might have opportunities of commuting them in suitable cases.²

Jahāngīr pardoned Rai Rai Singh after he had been found guilty of treason.³ Shāhjahān in the course of an order justified⁴ his exercise of the prerogative on the basis of the sanction given by the Law of *Qisās* (compensation) in the *Shar'a*. 'Alamgīr granted a pardon⁵ to Jaswant Singh twice and constantly used⁶ his powers in favour of the accused person.

The Ruler also exercised original jurisdiction. In medieval India it was essential for the sovereign to try cases personally, for there were powerful nobles who sometimes would submit only to the decrees of the King's Court. If the Ruler was conscientious and

¹ Cf. *The Spirit of Islam*, p. 280.

² Compare Monserrate, p. 210; Storia, II, p. 419; *A Voyage to Surat*, Oxford, 1929, p. 138.

³ *Tuzuk*, p. 62.

⁴ MS. 370 I.O.L.

⁵ *Khāfi Khān*, II, p. 64.

⁶ *Ibid.*, II, p. 550. Hamilton, I, p. 121.

sat punctually his court was often sought¹ by the people as his decisions were "quick" and "genuinely impartial", his position having placed him beyond the limits of fear or of favour.

As Chief Judge it was the duty of the Sultān to supervise the administration of justice and to appoint judicial officers—*Qādis*—to assist him in the disposal of cases. Like the King of England², he alone³ had the right to set up courts of judicature. According to Muslim jurists the responsibility of selecting suitable men as *Qādis* was very grave⁴ (*Nijāt i Pādshāh na bāshad*).

Baranī relates⁵ the story of the appointment by Sultān Qutb al-Dīn of an incompetent man—Qāḍī Zīā al-Dīn, to the office of Chief Justice which incited the people to revolt and murder not only the *Qāḍī* but the King himself. Akbar (1556-1605) approved of the selection of well-informed men (*Āgāhdilān*) of the realm to the judicial offices.⁶ 'Alamgīr used to spend more time in the selection of *Qādis* than in making appointments to any other post in the Empire,⁷ although according to 'Alī Muḥammad Khān⁸ the authority of appointing inferior *Qādis* (*mansūb namūdan i Arbāb i 'Adalat*) was sometimes delegated⁹ by the Mughul Emperors to the *Ṣadral Ṣudūr* who issued their *sanads* or to the Chief Justice (*Qāḍī al Quḍat*) (Fatawa III, p. 388 Cal. Ed.) (Khafī Khan II, p. 606). The King was also expected to have a practical knowledge of Law as in theory he alone could "remove the *Qādis* from their posts" (Al Mawardī) and they held office during the King's pleasure.¹⁰ It is interesting to recall that at the time these

¹ Storia I, pp. 201-203.

² Compare Blackstone's *Commentaries*, I, p. 266.

³ Compare *Hidayah*, XX, p. 335.

⁴ Compare Mawardī, J.R.A.S., 1910, p. 767; Baranī, p. 352; Baranī p. 351. 'Alā al-Dīn could select only four persons during his reign who could act as *Qādis*. Other candidates fell short of his standard. *Minhāj al-Tālibīn*, p. 501; *Tabaqāt i Nāṣiri*, p. 207.

⁵ pp. 406-408, Bib. Indica.

⁶ *Ā'in*, I, p. 283 (Text) Bib. Indica.

⁷ Compare Dow, III, p. 398 *Wāqā'i* 'Ālāmgīrī, p. 40.

⁸ *Mīrat*. Supplement, p. 149.

⁹ Compare Minhāj, p. 502, Sarkar, p. 35 (1920).

¹⁰ *Fatāwa i 'Ālamgīrī*, III, p. 393—*Syāsāt Nāmah*, p. 38.

notions of constitutional practice were in vogue in India, the British Parliament by the Declaration of Rights Bill in 1689 insisted that the Judges should hold office not during the King's pleasure but during good behaviour.

Qualifications of Qadis :

The *Qādis* who were thus selected were in most cases men of learning and scholarship.¹ In order that their appointment might conform to the requirements of Law the following points were considered:²

A *Qādi* had to be :

(1) Adult male: According to Abū Ḥanīfah a woman could be a *Qādi* and Muslim Queens like Rāḍiyah have tried cases.³

(2) Intelligent and possessing sound discriminating judgment and independence.⁴

(3) A free man. It is to be noted that the so called slave Kings were not slaves when they ascended the throne. Sulṭān Iltutmish (1210-36) had to satisfy the *Qādis* with regard to his manumission before he could be accepted, as ruler.⁵

(4) A Muslim : Non-Muslims were not as a rule appointed *Qādis*. According to *Hidayah* strict adherence to the Sacred Law even in private life was insisted upon.⁶ The acceptance of office entailed upon the incumbents a detailed study of religious laws and sometimes of the duty of leading the Friday prayers. Non-Muslims were ineligible because they did not usually study⁷

¹ Compare Appointment of *Qāḍī* Nizām al-Din. *Mir'at*, Supp., p. 53.

² Compare Māwardī, *Aḥkām al-Sultaniyah*, pp. 123-128; J.R.A.S. 1910, pp. 762-63; *Fiqh i Firuz Shāh*; *Fatāwā-i-'Ālamgiri—Adābal-Qādī*; *Kitābal-Khar'ij*, Caliph 'Umar's letter to Governor Mūsa al-'Asharī—referred to in J.R.A.S. 1910; *Hidayah*, BK. XX, pp. 334-52.

³ Elphinstone (ed. 1905), p. 368.

⁴ Compare, *Wāqai' 'Ālamgiri*, p. 40. *Ruqqa'āt*.

⁵ Ibn Battūṭah. Elliot, III, p. 591

⁶ According to *Darbar i Akbar*, Cal. 1914, p. 67, *Qādi* Mir Sayyid who was selected as a *Qādi* was a well-informed lawyer who practised what he preached.

⁷ Compare Briggs, II, p. 292. "Before whose ('Alā al-Dīn Husayn 1350 A.D.) time the Brahmins (Hindus) never engaged in public affairs but passed their lives in the duties of religion and in the study of the *Vedas*—indifferent to fortune, conceiving the service to Prince to be destructive of virtue". The Brahmins alone among the Hīndus used to study Law in pre-Muslim days.

Muslim Law, but in other departments they were freely employed.¹ Al-Zaylaī has recommended the appointment of non-Muslims as Magistrates and Judges to decide their own disputes.²

(5) An 'Ādil i.e., capable of being a trustworthy witness. Special heed was paid to a *Qāḍī's* character and a high standard of conduct was expected³ of him. According to Baranī purity of character was essential to a judicial office. (*Lāzīm i shart i Qaḍā taqwāst*, p. 352). In the time of 'Ala al-Dīn *Khaljī* (1296-1316) a *Qāḍī* who had started drinking liquor was prosecuted and sentenced to death.⁴

(6) Of sound sight and hearing : As pointed out in *Hidāyah*⁵ no judgment of a *Qāḍī* was regarded as valid if it was given at a time when his understanding was not clear. As a rule no age of retirement was fixed.

(7) Perfect in the knowledge of the Law : According to Baranī the post of a *Qāḍī* is one of responsibility and only those persons who are well versed in Law and are of good birth should be appointed (p. 352).

During the period of the Sultanate and the Mughul Rule selection for the post of *Qāḍī* was often made from among the Professors of Law.⁶ The *Qāḍīs* were further expected not to entertain parties or to accept any gifts from strangers.⁷ There were other similar restrictions and there was also the risk of incurring the Ruler's displeasure. It was no wonder that the office *Qāḍī* was accepted with fear and reluctance⁸ in the early days of

¹ Compare, *Ma'athir-ul-Umarā*, I, p. 101 (Order re: appointment of Rājah Todar Mal); Briggs, II, pp. 284-92; Beveridge, I, p. 141. *Waqā'i* 'Ālāmgarī, Part Two, pp. 48-98; I.O.L; Hamilton, II, p. 24.

² *Durr al-Mukhtār*, Calc. Ed., p. 521.

³ Cf. *Encyclopaedia of Islam*, Vol. II, 606. "He must according to Law be a Muslim scholar of blameless life". Baranī, p. 298.

⁴ *Badayūnī*, I, p. 187.

⁵ *Hidāyah*, XX, p. 338.

⁶ Elphinstone, pp. 420-21. *Tadhkirah i 'Ulamā' i Hind*, p. 54; *Hada'iq al-Hanafiyah*, p. 434.

⁷ Compare J.R.A.S. 1910, p. 772; *Hidayah*, BK. XX, p. 337.

⁸ Compare *al-Qaḍā fil Islām*, p. 5.

Islam when strict obedience to both the letter and the spirit of law was generally enforced. Even in the time of 'Ālamgīr (1659-1707) public opinion was that the post should be offered by the King and not applied for (*Sazāwār nest kasi ki talab i Qāḍī kunad.*)¹

Appointment to be announced :

The appointment and jurisdiction of the *Qāḍī* were to be made known² by the King so that people should submit to their orders.³ Temporary appointments and special tribunals also could be created⁴ and were similarly "gazetted."

General Functions of Qadis :

The powers and functions of the *Qāḍī* were wide and their responsibilities grave.⁵ The order of a *Qāḍī* Court had to be obeyed.⁶ In civil cases each *Qāḍī* had the powers of the Judges of the English King's Bench Division and in criminal cases they tried all cases that ordinarily come before the District Magistrates and the Sessions Judges in British India and could also pass a sentence of death.⁷ Like the Judges of the Supreme Court of the United States of America, they could declare⁸ a Sovereign's order illegal. They could call upon governors to resign office if they exceeded their powers.⁹ The people and the King alike turned to the Chief Justice in times of trouble.¹⁰ They possessed powers "under the Habeas Corpus Act"¹¹ like the judges under the old system of Goal

¹ *Hidayah*, XX. p. 335.

² See *Farmān*, Bīqiāt; p. 6.

³ Compare, Māwardī, J.R.A.S. 1910, p. 768. *Khāfī Khān*, II, p. 255.

⁴ *Amre Khāṭ r tar az qaḷā nest*; 'Ālamgīr in p. 34, Br. Mus. Add. 26, 239; M. Sa'id, a Magistrate was executed by Shahjahan for giving a dishonest judgment, *Storia*, I. p. 197.

⁵ The phrase *Qaḷai mabram* (inevitable death) originated from the fact that an order of a *Qāḍī* Court could not be avoided as was the case with death. See *Kalimat al-Tayyibāt*, Oxford (M.S.) Compare, *Raqa'im i Karaim* MS. F. 15. (*Arju ba hukm i Qaḷi*). *A Short History of the Sarceens* (Ameer Ali, p. 26.

⁶ *bondagan i ū Jall i shanahū ba qal o ta taṣd q i Qaḷi as r o qatil shawand* — *Waqai'*, p. 40, I. O. L. The Muḥḥul Emperor, Akbar, started the practice of confirming the death sentences himself. Compare, Monserrate, pp. 209-10.

⁷ *Darbar i Akbar*, Cal. Tr. 1914, p. 64.

⁸ Compare Māwardī, J.R.A.S. 1911, p. 637. Sarkar (1935), pp. 16, 17.

⁹ Compare Briggs, I, p. 227

¹⁰ *Hidayah*, p. 336. *Mir'at I*, pp. 278-83.

¹¹ Compare *Widow vs. King Ghyāth*, Stewart, pp. 90-91.

Delivery in England. In criminal matters they exercised the full jurisdiction conferred on the District Magistrate under the Indian Criminal Procedure Code, and also all powers corresponding with those conferred on the modern District Judge by the Guardian and Wards, Lunacy, Trust and Insolvency Acts of today. They possessed in fact all the Common Law and Equity powers that could be given to a court of original jurisdiction. The *Qādis* in deciding cases were enjoined to think of God alone¹ and, as they were nearer to Him because of their knowledge of the Sacred Law and of their practice of it, their influence was enormous.²

The Chief Justice of the Empire and the Chief Qadis of the Provinces had, like the modern Indian High Courts, the additional functions of supervising the work of the inferior courts and of recommending candidates for appointment as *Qādis*.³

Rigour of the Law :

The Law of *Shar'* applied equally to all, and the officers of the state were treated⁴ like ordinary citizens for personal disputes. Their position as such officers gave them no immunity from the rigour of the Law. 'Umar, the second Caliph of Islam, allowed his officers no privileges.⁵ The Sultāns and the Mughul Rulers in India followed the same course. If their officers acted under the immediate command of the Sovereign, they were probably not liable, but such a defence had to be proved strictly.⁶ The Muslim Criminal Law did not favour any distinction between a ruler and his subject.

¹ Compare Sarkar (1935), pp. 27, 111.

² Compare, *Mir'at*, I, p. 319; *Khāfī Khān*, II, p. 606; *Mahmud of Ghazna*, p. 149, *Fatāwā*, III, p. 388; *al-Qaḥḥ fil Islām*, p. 9.

³ See (1) State vs. Malik Fayḍ—Briggs, I, p. 253. (2) State vs. Prince 'Adil—Erskine, II, p. 445. (3) State vs. Ya'qūb and another—Briggs, IV, p. 517. (4) State vs. Muqarrab Khān, *Tuzuk*, p. 83. (5) State vs. Nūrjahān—*Tuzuk i Jahāngiri*, Shibli, p. 3, 30-32. (6) State vs. Murād—Sarkar, III, p. 437. (7) State vs. Faujdār—*Khāfī Khān*, II, 550. (8) State vs. Mirzā Beg (*Kotwāl*)—*Khāfī Khān*, II, p. 257. (9) State vs. Kām Bakḥsh, *Khāfī Khān*, II, p. 436. (10) State vs. Qādī Mir, *Storia*, IV, pp. 118, 119.

⁴ Compare Ameer Ali, *The Spirit of Islam* p. 279; J.R.A.S. 1911, p. 664.

⁵ Compare State vs. Shiqahdār, Manrique, I. p. 424, State vs. (*Kotwāl*) Mirzā Beg—*Khāfī Khān*, II, p. 257.

State versus the Subject:

The State could be sued¹ in the same manner as an ordinary citizen. There was no *Droit Administrator* to govern suits between the subject and the State and jurisdiction was vested in the ordinary State Courts to try such cases. Elphinstone thinks² that the courts to which the State came as the plaintiff or the defendant were separately constituted. No case has, however, come to my notice which suggests any such procedure. According to *Khāfi Khān*³ even grave political cases were tried by the ordinary courts and no special tribunals were created. When a subject sought redress for an act done by an officer under colour of his office, the fine or compensation, if exacted, was paid either by the State or the officer concerned, and the accused officer was also liable to a sentence of imprisonment. In *State versus Shiqah-dār* (Manrique I, p. 424) it was held that a Police Officer was personally responsible for the wrongful arrest of a citizen and was liable to pay him compensation. In another case⁴ due to a wrong order passed by a governor, *Khān Jahān*, in a murder trial, the State had to pay damages to the heirs of the deceased. In *Jahāngīr's* time (1605-1628) a Police *Kotwāl*, in order to prosecute an intrigue with a subordinate's wife, compelled the policeman to absent himself from his house on a pretext of duty. The policeman's mother came to the palace and shook *Jahāngīr's* chain of justice,⁵ which resulted in the *Kotwāl* being sent to prison.⁶ In another case a governor of Balban killed a man while drunk. He was tried and executed in public.⁷ *Khāfi Khān* gives⁸ details of an interesting case, when *Mirzā Beg, Kotwāl* of Lahore, went to arrest a *Qāḍī* who

1 Vide Cases (1) *Hājī Zāhid and Pirjī vs. State—Khāfi Khān*, II, p. 251. (2) *Sher Muḥammad vs. State* (Collections). (3) *Claim of the E.I. Co., for compensation* (Hamilton, I, p. 232). (4) Case. *Wāqāi' Ālamgīr*, p. 72, I.O.L.

2 (1857) p. 420.

3 *Khāfi Khān*, II, p. 728.

4 Case *Wāqāi' Ālamgīr*, Part I, p. 72 I.O.L.

5 Ref. *Rahbar i Dakkan*, 1931, p. 19 ; *Tuzuk i Jahāngīr*, p. 3 (S.A.)

6 See *Rahbar i Dakkan*, 1931, p. 19.

7 Briggs, I, p. 253—*State vs. Malik Fayd*.

8 p. 257, II.

had been accused of an offence. The *Qāḍī* barricaded himself in his house. A fight ensued in which the *Qāḍī* was killed. His heirs brought a case against the *Kotwāl* who was found guilty of murder and an order was passed to hand him over to the heirs of the *Qāḍī* in blood fine (*Qisās*). The *Kotwāl* died during the pendency of appeal.

In another case in the time of 'Ālamgīr, a woman made a complaint¹ against a *Faujdar*, the result of which was that he was transferred to another locality.

Akbar was severe in punishing oppression and encouraged just complaints against the servants of the Crown by various proclamations.²

Shāhjahān pursued the same policy³ and *Ālamgīr* on one occasion publicly reprimanded a subordinate *Qāḍī* and dismissed him from office for showing partiality in one of his decisions.⁴ The son-in-law of Aḥmad *Shāh*, King of Gujrat, committed murder and the *Qāḍī*'s order of compensation (*Qisās*) was revised by the King and the sentence was enhanced to one of death.⁵

Rights of non-Muslims :

Non-Muslims were of two classes—1. *Dhimmis* who had accepted the overlordship of the Ruler and 2. *Mustā'mins*, who were given a guarantee of security by the State, for a particular period and possessed all the rights of an Alien in a modern State.⁶ The *Shar'* made no change⁷ in the enjoyment by the non-Muslim inhabitants of their own religion, laws and ancient customs. The Prophet himself, by granting a charter⁸ of liberties to non-Muslims, had set the example of recognising their personal laws, and history affords numerous instances when the assurances

¹ *Khāfi Khān*, II, p. 550.

² Compare, Dow, III, p. XXV.

³ Complaint against Tarbi'at *Khān*, Dow, III, p. 173

⁴ Compare Dow, III, pp. 334-335. Compare 'Ālamgīrī Lanepoole p. 113.

⁵ *Mir'at*, I, p. 49.

⁶ Compare, Ameer Ali, *The Spirit of Islam* pp. 268-79.

⁷ Compare Ameer Ali, *Muhammadian Law*, II, p. 33.

⁸ See *Kitāb al-Kh̄fī*, p. 299; *Futuhāt-Buldān*, p. 65

given by the Prophet were repeated by his successors,¹ and on one occasion as Dr. Vesey-Fitzgerald relates a non-Muslim was granted² a decree against the Caliph of Baghdād by his own court of Law.

Non-believers in the Faith were, in theory, under specific disabilities in regard to giving evidence in court against a believer but in practice these were seldom adhered to. The Hanafi school which had obtained predominance in India was more Catholic than others in its treatment of non-Muslims. It was one of Abu Ḥanīfah's maxims that judicial discretion on important matters was justified on grounds of *Istiṣlāḥ* (public policy) and thus courts could refrain from applying the Quranic Law to non-Muslims in individual cases³ (vide State versus Islām Khān and other cases given in Elliot IV, pp. 26-27). Manrique (1629-1643) records⁴ a trial where, contrary to judicial practice, evidence of non-Muslims was accepted against a large number of Muslim accused. The admission of one of the accused was under the Law not considered sufficient. In the course of the judgment the court observed—"The Emperor who had conquered these lands from the Heathens, had given his word that he and his successors would let them live under their own laws and customs" and he, therefore, allowed no breach of them.⁵ The non-Muslims were given the right of claiming compensation (*Qisās*) in murder cases⁶ and in practice they were subject to the *Qānūn i Shāhi* and the Adjective Law only. In civil disputes between themselves their personal law was recognised but their disputes were usually referred to their own theologians (Pandits).⁷

¹ Compare (1) Maqrīzī, pp. 492, 499 (2) *Kitāb al-Kharāj*, pp. 86-87. (3) *Futūḥ al-Buldān*, p. 125. (4) *Rasail-e-Shibli*, p. 62. (5) Ameer Ali, *Spirit of Islam*, p. 274. (6) S. Khuda Bux, *Orient under the Caliphs* p. 225.

² *Muhammadan Law*, p. 11, Compare Raḥīm, p. 383.

³ (1) Jahāngīr excused non-Muslims from a number of taxes. Fraser, MS. 228, Oxford. (2) Alamgīr abolished many taxes on them, Sarkar (1920), pp. 122-30. (3) In many, Treason Cases death sentence was remitted, *Tuzuk*, p. 62.

⁴ *Travels*, II, p. 112. The Muslims were prosecuted for killing a peacock in a village inhabited by Hindus alone.

⁵ Compare Hamilton's remarks in *Hidāyah*, p. XIV.

⁶ Compare, *Kitāb al-Ikhtiyār*, Art. 544. *Spirit of Islam*, pp. 274-275. (3) *Fiqh-Firoz Shāhi*, I. O. L.

⁷ Compare *History of India* James Mill, III, p. 369. (2) *Cambridge History of India*, III, p. 45.

or Assemblies¹ (*Panchāyats*) or Jurors, as was the procedure adopted by the Caliphs of Baghādā.² Disputes among powerful non-Muslim nobles were sometimes heard by the Emperor himself and non-Muslims always had the option of getting their cases tried by a Law Court assisted by a Brahman Pandit. This is explained in the following passage from the report of the Committee of Secrecy appointed by the House of Commons (Vol. IV, p. 324) (1772-1773) which recommended the same system in Bengal :—

“And your Committee finds that the Gentoo (non-Muslim) subjects enjoyed a similar privilege with respect to all cases of a religious nature in which persons of that persuasion were parties ; for that in every such Case it was necessary that the temporal Judge should be assisted by a Brahman of that caste, particularly when that cause was of such a nature as might be attended with the consequence of forfeiture of caste.”

The Sultāns preferred to follow the letter of the Law which, while granting complete toleration (*Lakum dinukum-Qur'an*) to non-Muslims, drew distinction between ‘believers’ and ‘non-believers’. Nevertheless, it was in their time that Hindu Kayasths began to monopolise Secretarial and other posts in the Government offices. During the Moghul Rule (1526-1857) Hindus were appointed Governors and *Fawjdārs* (*Mir'at*, II, p. 460) and were generally in charge of the Revenue Department and thus became an important influence in state administration,³ (Ferishtah).

Akbar's attitude towards non-Muslims may be gathered from the following proclamation issued by him :⁴

“No man should be interfered with on account of his religion and every one should be allowed to change his religion if he liked. If a Hindu woman fell in love with a Muhammadan and changed her religion she should be taken from him by force and be given back to her family. People should not be molested if they wished to build churches and prayer rooms or idol temples or fire temples.”

1 Kennedy, Vol. I, p. 308.

2 Ameer Ali, *History of the Saracens*, p. 422.

3 Briggs, II, p. 292, MS. 370, I.F. (I.O.L.). Compare, Hamilton, II, p. 24.

4 *A'in*, I. Blochman, p. 207.

Apparently this attitude was adopted by His Majesty after he had taken a Hindu Rajput princess in marriage. 'Ālamgīr (1658-1707) took a more orthodox and a correct view of the Law (*Jamī' Umūr saltanat wa ma'amlāt mulkī rā dar qalīb i shari'yah*) by enforcing the *Zakāt* tax on the Muslims¹ and the *Jizyah*² on the rest. His predecessors had exempted their subjects from both these taxes on grounds of public policy. In general, however, no interference was shown³ and the non-Muslims continued to "fill public offices and posts of trust" as Ālamgīr thought that matters of state were separate from religion (*Umui dunyā rā az maqhab chih-nisbat*).⁴

The position of woman :

Under the Ḥanafī Law the position of woman was almost on a par with that of men.⁵ A woman could act as a *Qāḍī* (*Kitāb al-Ihtiyār*, p. 10). In pre-Islamic India they had been debarred from studying the religious books or performing sacrifices to the deities and had practically no legal status. Soon after the establishment of the "Slave" dynasty, India had a sovereign Queen and a woman Judge in the person of Sultān Raḍiyah (1236-1240). According to Elphinstone⁶ she decided suits of importance and evinced all the qualities of a just and able sovereign. During her time a number of women came to the fore-front in public life.⁷ Later on as the practice of secluding women (borrowed from the Hindus) became prevalent among the Muslim nobility, women seem to have fallen into the back-ground.

1 See *Mir'at*, I, p. 298.

2 This is not the place to give any detail of the tax but from an order issued by 'Alamgir and preserved in original in the Collections and from a perusal of *Mir'at i Āhmadi* I, p. 297, it appears that the "*Jizyah*" had a sliding scale. Exemption was given to minors, women, blind, lunatics, paupers and the crippled and its incidence was much less than that of the *Zakāt*.

3 Compare Hamilton, II, p. 24; Beveridge, L. p. 141; I.O.L., Records, Home Misc. No. 529, pp. 585, 612.

4 *Waqā i Ālamgiri*, p. 59; Letter of Ālamgīr.

5 See *Qur'an* (*Humna libāsukum*), *Hidayah* (Hamilton), p. 341.

6 (1905), p. 368.

7 *Tabaqat i Naṣiri* (Text), p. 186.

Although there were many women who attained an eminent position in literature and art during the Mughul period, yet women held no judicial posts except that of Judges¹ in cases concerning *Haram* women, where all the proceedings were conducted by women only.

There were no legal disabilities attached to women, except that in the reign of Akbar they were not allowed to ride on horseback in the city.² Indeed in one respect a woman was placed on the same level as a man in the way in which she is not placed in modern India. If found guilty of the offence of adultery, a woman was made to suffer as severe a punishment as was given to the co-accused.³ In India today no woman is punishable for adultery, although a man is. In Pakistan the Penal Code has been amended so as to enable the Courts to punish the woman also if necessary.

Working of the Constitutional Machinery :

The Muslim Rulers in the Indo-Pak subcontinent and generally, as I have shown elsewhere, regarded themselves as slaves of God Almighty نیازمند درگاه الهی and as an humble attendant in the presence of the Omnipotent Being. It was, therefore, not possible for them to usurp authority which God had bestowed on the people—*Ummah* of the Prophet. The Rulers in Islam, on the whole, felt that they had a duty to preserve the Rule of Law as promulgated by God and to protect those who obeyed God's Commandments; and it was God's first Commandment that after one had accepted the faith he was to do justice between man and man, himself and the state and so on.

Discretionary powers of Muslim Rulers :

In theory, therefore, the administrative system of the Muslim Rulers did not permit them more than limited discretion and powers. The discretionary powers allowed to the sovereign in some cases were dependent upon the circumstances and exigencies of the time, primarily because of the need for self-preservation. As

¹ Roe, p. 85.

² *Āin*, II, 42 (Jarrett).

³ Roe, pp. 190-191. State vs. Noble woman.

late as the dawn of twentieth century Professor Dicey draws a comparative picture of countries in the West. "A study of European politics now and again reminds English writers that wherever there is discretion, there is room for arbitrariness and that in a Republic no less than under a monarchy discretionary authority on the part of Government must mean insecurity and lack of legal freedom on the part of subjects."

Ethical standard :

The author of *Legacy of Islam* writing about Muslim law says: "There is no doubt that the high ethical standard of certain parts of Arab law acted favourable on the development of our modern concepts and herein lies its enduring merit. A feature of what was this enduring merit in Muslim law has subsisted till today and has been enshrined in the various Codes that were enacted and orders promulgated by British Administrators even after the departure of the last Moghul Emperor from Delhi.

Insistence on Justice :

The first main factor is the insistence on doing justice between subject and subject, between rulers and the ruled, which brought most willing submission to the Rulers of Muslim India. This was, in fact, achieved not by their sword but by their persistent adherence to the tenets of Islam and their undying effort to create a feeling of security and justice among the people on whom they ruled. Some times to these was added the spirit of sacrifice, as for instance, in the case of 'Ālamgīr who refused to accept any remuneration for his work as the Ruler of the vast territories which included Afghanistan, India and Pakistan put together.

The duty of the Muslim Ruler mentioned by the *Qur'an* is primarily to adjudicate disputes according to rights :—

"We have set thee as a viceroy in the earth; therefore judge aright between mankind and follow not desire that it beguile thee from the way of God."

The *Qādis* of those days like the judges represented the voice of the community. The kings may have faltered but the judiciary under the Muslim Rulers had a much higher reputation. There

were tests, tribulations and prosecutions but the voice to which the judiciary responded could not die in the humdrum of executions or of distressing regulations.

Strength and Weakness of the Ruler:

In fact the defect of Government under the Muslim Rule in India was not the arbitrary power of the Ruler but the weakness of the individual who held that office, and his failure to adhere to the principles on which he had accepted the office. We have numerous instances of the Rulers in Muslim countries where they strove to build up the fabric of the State on the principles laid down by the Prophet. They were popular and kept their people and the country happy, prosperous and contented. Although the power of veto always vested in the Head of the State who was the Ruler but he was, by no means a source of law as is sometimes the case with heads of a few countries even in the twentieth century. The Muslim Ruler was only the executor of the law. The Prophet himself did not use the supreme powers of veto when during the battle of Uḥad he wanted to remain in the city of Medina and fight, while the majority of his followers wanted to get out of the city and fight elsewhere. The Prophet chose to accept the majority view.

Functions of the Monarch :

The Muslim jurists assign the following functions to the monarch or to the Head of an Islamic State :—

- (i) to protect the Faith, as defined by *Ijmā'*;
- (ii) to settle disputes between his subjects ;
- (iii) to defend the territories of Islam, and to keep the highways and roads safe for travellers ;
- (iv) to maintain and enforce the criminal code ;
- (v) to strengthen the frontiers of Muslim territory against possible aggression ;
- (vi) to wage a holy war against those who act in hostility to Islam ;
- (vii) to collect the rates and taxes ;

- (viii) to apportion the shares of those who deserve an allowance from a public treasury ;
- (ix) to appoint officers to help him in his public and legal duties ;
- (x) to keep in touch with public affairs and the condition of the people by personal contact.

Last and the most important was the duty of maintaining the fabric of the Islamic State through a rigorous system of the administration of Justice. The *Qur'an* is full of injunctions emphasising the role of dispensing evenhanded justice without fear and favour. The oath administered to Judges of the High Courts and the Supreme Courts of Pakistan and India still maintain the language used by the *Qādīs* of the Mughul Empire.

The spirit of Law :

More important than the organization of law courts was the spirit which governed them. The Prophet is reported to have said that a moment spent in the dispensation of justice is better than seventy years of devotion. Dominion can subsist in spite of misbelief, says the *Siyāsat-nāmah*, but it cannot endure with the existence of injustice. The monarchs considered it their primary duty to do justice. The Sultanate of Delhi provided a well-organized department of justice : by making all proceedings public and dividing responsibility and power among different officials, it established an effective system of checks and balances. The officials were generally chosen for their learning as well as piety and there can be little doubt that most of them approached their work in a spirit of devotion. When 'Alā al-Dīn *Khaljī* appointed a Chief *Qādī* as a reward for general services and not for character, it proved very unpopular.

Al al-Din Khilji's poset :

Great importance is attached by several scholars to 'Alā al-Dīn's conversation with *Qādī Muḥith* a famous jurist of his times! An analysis of what the Sultān has been alleged to have said will show that there was no difference of opinion between the *Qadi* and his royal patron on the question of the necessity of following the *Shar'*. The Sultān protested that in certain respects expediency had led him in the same direction as the law; in certain other matters he had enforced the *Shar'* as an act of devotion. The

fundamental difference arose on the question of punishments, 'Alā al-Dīn's appropriation of the booty he had won in the Deccan campaign before he came to the throne, and the extent of Sulṭān's private expenditure. The Sulṭān attributed his harshness in enforcing orders to the unnecessary contumacy of his people ; nor can it be said justifiably that the *Shar'* is at all partial to those who disobey their legitimate rulers and obstruct them in running the administration, particularly when the lands of Islam have to be defended against odds. There could be room for difference of opinion on the question of the treasures which the Sulṭān had brought from Deogir as a Prince, for the expedition was undertaken neither at the instance of Sulṭān Jalāl al-Dīn Fīrūz, nor with the resources of the State. 'Alā al-Dīn argued that he had won this booty by his personal endeavour unaided by the State and, therefore, was entitled to its possession.

Ruler as the Executor of Law :

The Caliph was not the source of law as is the case with some of the Heads of the modern States ; but he was only the executor of the Law. The sources of Law were four : 1. *Qur'an* 2. *Ḥadīth* ; 3. *Ijmā'* ; and 4. *Qiyās* (analogy). The *Qur'an* was regarded as the chief and primary source of law ; and no authority could either amend or abrogate the fundamental laws found in it. For the explanation of the Quranic Commandments, help had to be taken from the *Ḥadīth*, i.e. the precepts, sayings and actions of the Holy Prophet, which, in most cases, constituted a commentary of the Quranic principles. Thus *Ḥadīth* was the second source of Islamic Law and could only be regarded as supplementary and in no case allowed to contradict or abrogate and Quranic principles. The third source of Islamic Law was *Ijmā'*, i. e. the concensus of the opinion of the members of the *Shūrā* on some controversial legal problem. There was yet another source of Law and that was *Qiyās* or analogy. The genius of 'Umar was responsible for this source of Law in Islam. We can, therefore conclude that in an Islamic State sovereignty belongs to God in this sense that all its laws are to be framed from the fundamental Quranic principles by the most learned among the people.

1 Baranī, pp. 289—96.

THE SOURCES OF THE PRE-MUGHAL ARCHITECTURE

by

DR. M. ABDULLAH CHAGHATAI

It is a well known fact that the early Muslim conquerors of India (11th, 12th and 13th centuries), who reached this country through Central Asia, were mostly of Turkish stock, and it is obvious that they must have brought their artistic and cultural traditions with them. But inevitably to meet with their immediate requirements, they had to utilise the pre-existing non-Islamic edifices, after effecting the necessary adaptations. This accounts for the fact that even the earliest extant Muslim monument, the *Quwwat' al-Islām* mosque (1191), Delhi, exhibits a mixture of the indigenous trabeate system with the imported arcuate one. It is an obvious fact that the *Quwwat' al-Islām* Mosque, Delhi was built by the Commander-in-Chief Quṭb-al-Dīn Aḡbak under the supervision of Abul-Ma'ālī Faḡl during the reign of Sulṭān Mu'iz al-Dīn Muḡammad bin Sām, who had inaugurated its construction. And it was built out of the spoils of the non-Islamic buildings. These facts are recorded in its inscriptions, "How much precisely this Indo-Islamic art owed to India and how much owed to Islam has been a moot point."

The Khalji (till 1320) and the Tughluq (till 1400) dynasties, which successively ruled India, were both of Turkish lineage. It was during this period that the pure Islamic characteristic in architecture became established in India and that the non-Muslim masons were duly trained, under the guidance of their Muslim masters in carrying out plans of the various types of monuments showing arches, domes, arabesques in decoration, etc. Here are some prominent examples: the *Jam'at Khānā* (1309) at the Nizam al-Dīn Awliyā, Delhi; the 'Alāi gate (1309) to the *Quwwat' al-Islām* Mosque, Delhi; the Mausoleum of Sheikh Rukn-i-'Ālam (1338) Multan; the Tomb of Khān Jahān Tilangānī (1379), Delhi, etc.

The exact prototype of these standard Muslim Monuments in Indo-Pakistan still exist in Iran and Tehran. For instance we should not forget that the recent discoveries of the *Minar-i-Jam* within Ferozkoh, Afghanistan, built by Sultan Ghiath al-Din Muḥammad bin Sām, the brother of above noted Sultān Muʿīzal-Dīn Muḥammad bin Sām, and the tomb of Sultān Khudā Banda Olyaytu in Sultaniyia built in 1310 A.D. can be cited as the exact prototype of the *Qutb Minar* and the Tomb of Tilangani in Delhi.

As for the origin of certain aspects of Muslim Fine Arts, the Muslims had inherited a wealth of rich and varied designs particularly from the Byzantine and the Sassanian empires which they had earlier defeated and whose territories they had incorporated into the Muslim world of which they have to this day formed the most vital portion. Though, at present, those aspects of Byzantine and Sassanian arts do not any longer exist as much under those names, yet they live on in the shape given them by the Muslims under the accumulative names of Islamic Turkish and Iranian arts. In addition, the Muslim's delight in ornament inspired him to multiply the name of *Allāh* through the noble art of Calligraphy. This was entirely, Islamic and its influence or its application in Turkish ornament, particularly among the *Seljuq Turks* (1328), is a strikingly distinctive feature, which certainly played a great role in our Indo-Muslim Architecture. History teaches us how this art found its way into the imperial capital of muslim India. As an Indianised form of the building art of the *Seljuqs* it constitutes in itself an important development.

Our original literary sources have also preserved some descriptions of our most famous monuments built by our Muslim Emperors, in which there occur several terms of Turkish origin, such as *Band-i-Rumī* etc. And the crescent on the finials of the domes is exclusively of Turkish origin which appears here in the mausoleum of Sheikh Rukn-i-Ālam (1335) Multan, built by the *Tughluq Sultāns*; in the *Rauḍa* of Ibrāhīm ʿAdil Shāh (1637) Bijapur, built by himself; in the *Taj Mahal* of Agra, which is the mausoleum of Arjumand Bānū Begam, the wife of Shahjahan,

built by the Emperor Shāhjahān himself, etc. There are several monuments in Indo-Pakistan which are adorned with inscriptions and those inscriptions bear the names of several architects who are of the Turkish and Turanian origin.

Consequently we should not hesitate to assert with confidence that our Indo-Pakistan Architecture is purely of non-Hindu origin. Professor Arnold Toynbee has well remarked that "Economically and culturally, conquered Islam took her savage conquerors captive and introduced the art of civilization into the rustic life of Latin Christendom. In certain fields of activity such as architecture, this Islamic influence prevailed the entire Western world in its so-called 'mediaeval age :—"

DID IBN BATTUTAH MEET SHEIKH JALAL AL-DIN TABRIZI IN KAMRUP ?

by

DR. A. KARIM DACCÀ

“My aim in going to the mountainous country (Kamrup) was to meet a notable saint who lived there. He was Sheikh Jalal al-Dīn Tabrizī”.¹ This statement of Ibn Battūṭah has put the scholars to a great confusion. The confusion is due to the fact that in Bengal we come across two famous saints bearing the same name i.e. Jalāl. They are Sheikh Jalal al-Dīn Tabrizī and Shāh Jalāl. The present article is an attempt to examine the relevant sources relating to Sheikh Jalāl al-Dīn Tabrizī and ascertain whether the Moorish traveller actually met that great saint.

The reference to Sheikh Jalāl al-Dīn Tabrizī is available in almost all biographical works and collection of *malfūẓāt* of saints like *Fawā'id al-Fawād*, *Khayr al-Majālis*, *Akhbār al-Akhyār*, *Mir'at al-Asrār*, *Khazinat al-Aṣfiyā*, the famous work *Ā'yn-i-Ākbarī* of Abu'l-Faḍl and *Tārikh-i-Firishṭah*.² The relevant materials as available in these works may be connected as follows :—

Sheikh Jalāl al-Dīn Tabrizī originally came from Tabriz in Persia. He was first a disciple of Sheikh Abū Sa'īd

¹ *Voyages D'Ibn Batoutah*, text edited and translated into French by Defre'mery and Sanguinetti, Vol. IV, Paris, A. D. 1853-59, P. 216.

وكان قصدي بالمسير الى هذه الجبال لقاء ولي من الاولياء بها وهو الشيخ

جلال الدين التبريزي

² *Fawā'id al-Fawād* of Ḥasan 'Alā Sajzī, a collection of sayings of Shaykh Nizām al-Dīn Awliyā. Muslim Ahmad Nizami has publisoeed an Urdu translation with the title *Irshād-i-Maḥbūb* from Khwājah Press, Delhi; *Khayr al-Majālis* of Qalandar, a collection of sayings of Shaykh Nāṣir al-Dīn Maḥmūd, *Chirāgh-i-Delhi*. Ahmad Ali has published an Urdu translation with the title *Sirāj al-Majālis*, from Jamiah Milliah Press, Delhi; *Akhbār al-Akhyār* of Shaykh Abd al-Ḥaqq Dehlavi, Mujtabi Press, Delhi; *Mir'at al-Asrār* of Shaykh 'Abd al-Ḥaqq Dehlavi, Mujtabi Press, Delhi; *Mir'at al-Asrār* of Shaykh 'Abd al-Rahmān Chishtī, 'Alīyah Madrasah MS. Dacca; *Khazinat al-Aṣfiyā* of Ghulām Sārwar, Newal Kishore edition, Lucknow; *Ā'yn-i-Akbarī* of Abu'l-Faḍl, Vol. III, translated by H. S. Jarrett and revised and annotated by J. N. Sarkar, Asiatic Society of Bengal, Calcutta, A. D. 1949; *Tārikh-i-Firishṭah*, Newal Kishore Press, Lucknow.

Tabrizī and then after his death of Sheikh Shahāb al-Dīn Suhrawardī. When Sheikh Jalāl al-Dīn Tabrizī came to Delhi, he was received by Sultān Shams al-Dīn Iltutmish and Sheikh al-Islām Najm al-Dīn Ṣughra. The Sultān ordered that the arrangement for his stay may be made near the palace. At this the Sheikh al-Islām grew jealous and brought a few charges against Sheikh Jalāl al-Dīn Tabrizī, the most serious one is that of incontinence with a disreputable woman. But he was in good terms with Sheikh Quṭb al-Dīn Bakhtiyār Kākī and Sheikh Bahā' al-Dīn Zakariyā. Ultimately the falsehood of the charge was proved but Sheikh Jalāl al-Dīn Tabrizī proceeded towards Bengal. None of these works however make any reference to the Sheikh's activities in Bengal.

The spiritual exploits of Sheikh Jalāl al-Dīn Tabrizī in Bengal has been the subject-matter of a Sanskrit book *Sekh Subhdaya*¹ (correctly Sheikh *Subhodaya*) or the august advent of the saint) attributed to Halāyudha Misra, a courtier of king Lakshmana Sena, who was ousted by Muḥammad Bakhtiyār Khaljī from Nadiyā. According to this book Sheikh Jalāl al-Dīn Tabrizī was born in Etawah and his father's name was Kāfur. He received education at the instance of one merchant Ramaḍān Khān and ultimately had to leave the place at the conspiracy of the same merchant. He came to Bengal in the reign of king Lakshmana Sena and foretold the impending Turkish attack. By his miraculous activities, the royal officials including the king became his disciples. The king built a shrine and a mosque in his honour and made liberal grant of lands for their maintenance.

Two places in Bengal, Pandua and Deotala bear the memory of the saint even to-day. In Pandua there are a set of buildings which go by the name of *Barī dargāh* (big shrine) or shrine of Sheikh Jalāl al-Dīn Tabrizī. These buildings are (a) one *Jāmi' masjid*, (congregational mosque) (b) two *chillakhānahs*, (place of worship) (c) one *tanūr khānah* (kitchen), (d) one *bhāndār khānah* (store house), (e) Lakshmana Sena *dālān* (Lakshmana Sena's build-

1 *Shaykh Subhodaya*, edited by Sukumar Sen, Calcutta, A. D. 1927.

ing), (f) Ḥajī Ibrāhīm's tomb and (g) *Sālāmī darwāzah* (entrance-gate).¹ According to the *Riyāḍ*,² the original shrine was built by Sulṭān 'Alā'al-Dīn 'Alī Shāh (A. D. 1341-42) at the order of the saint in dream. The original mosque was also probably built by him which was repaired by Shāh Ni'mat Allāh in 1075/A. D. 1664.³ The *bhāndār khānah* was erected by one Chānd Khān in 1084/A. D. 1673.⁴ The inscription attached to Lakshmana Senī *dālān* shows that the *āstānah* (place of meditation) of Sheikh Jalāl al-Dīn Tabrizī was built by one Muḥammad 'Alī of Barjī in 1134/A. D. 1722.⁵ The inscription in *Tanūr khānah* shows that it was built by one Sa'ad Allāh in 1093/A. D. 1682.⁶

The other place in Bengal that bears his memory is Deotala which was renamed Tabrizābād after the Sheikh. Four inscriptions referring to Tabrizābād have so far been discovered. They are discussed below :—

- (i) Inscription of Sulṭān Rukn al-Dīn Bārbak Shāh dated 868/A. D. 1464. It records the erection of a Jāmi' mosque in Tabrizābād by one Ulugh Murābiṭ Khān.⁷
- (ii) A second inscription of the same Sulṭān. The date is broken. It records the erection of a mosque "in the blessed town of Tabrizābād, generally known as Deotala"⁸.

¹ 'Ābid 'Alī Khān: *Memoirs of Gaur and Pandua*, Calcutta, A. D. 1931, pp. 97-106; Ilāhī Baksh: *Khūrshīd-i-Jahan Nūmā* in *Journal of the Asiatic Society of Bengal* (hereafter referred to as *J. A. S. B.*), 1895, pp. 200-202.

² Ghulām Husayn Salīm: *Riyāḍ al-Salāṭīn*, Bibliotheca Indica, A. D. 1898, pp. 94-95.

³ 'Ābid 'Alī Khān: *Op. cit.*, p. 100.

⁴ For inscription see *Ibid.*, p. 102.

⁵ *Ibid.*, p. 103.

⁶ *Ibid.*, p. 104.

⁷ 'Ābid 'Alī Khān, *Op. cit.*, p. 169 ; *J.A.S.B.* 1874, p. 296. Blochmann wrongly read Tiruābād.

⁸ *J.A.S.B.* 1874, p. 297.

- (iii) One inscription of Sultān Nāsir al-Dīn Nuṣrat Shāh dated 934/A. D. 1527. It records the erection of a mosque by one Sher Khān in the town of Sheikh Jalāl Muḥammad Tabrizī¹.
- (iv) An inscription of Sulaymān Karrānī dated 978/A. D. 1571. It records the erection of a mosque "in the blessed town of Tabrizābād known as Deotala"².

The date and place of death of the saint is a matter of controversy. According to *Akḥbār al-Akhyār*,³ he is lying buried in Bengal, while according to *Ā'yn-i-Akbarī*,⁴ he died in Deo Mahal, identified with Maldiv islands.⁵ According to *Khazīnat al-Asfiyā*,⁶ he died in 642/A.D. 1244, according to *Tadhkirah-i-Awliyā-i-Hind*⁷ (an Urdu biography of saints) he died in 622/A.D. 1225.

Ibn Battūṭah visited Bengal in 1346-47.⁸ So to ascertain whether Ibn Battūṭah met Sheikh Jalāl al-Dīn Tabrizī it is necessary to fix the date of the saint. The available inscriptions, discussed heretofore, do not help us at all. None of the inscriptions is dated prior to 868/A.D. 1464. As for the literary sources, the *Shaykh Sūbhodaya* puts his visit to Bengal before the Muslim conquest. But scholars doubt the authenticity of this book. The stories in *Shaykh Sūbhodaya* are fictitious and so scholars believe that it is spurious "prepared to establish a right to Bāis Hāzārī (22 thousand) estates during the preparation of Todar Mal's rent-roll in Akbar's time."⁹ The language of the book is corrupt and so it could not have been composed by Halayudha Mis'ra,

1 'Ābid 'Alī Khān: *Op. cit.*, p. 171.

2 *Ibid.*, p. 170.

3 *Shaykh* 'Abd al-Ḥaqq Dehlawī: *Akḥbār al-Akhyār*, p. 46.

4 *Ā'yn-i-Akbarī*, Vol. III, translated by Jarrett and revised by J. N. Sarkar, Asiatic Society of Bengal, Calcutta, A.D. 1949, p. 406.

5 *J.A.S.B.* 1873, p. 260 ; *J.A.S.B.* 1895, pp. 230 ff.

6 *Khazīnat al-Asfiyā*, Vol. I, Newal Kishore edition, p. 283.

7 Mirzā Muḥammad Akhtar Dehlawī: *Tadhkirah-i-Awliyā-i-Hind*, Vol. I, p. 56.

8 N. K. Bhattasali: *Coins and Chronology of the Early Independent Sultans of Bengal*, Cambridge, A.D. 1922, p. 143.

9 'Ābid 'Alī Khān: *Op. cit.*, pp. 105-106.

the famous courtier of king Lakshmana Sena¹. On close examination of the evidences of the book it is found that they lack corroboration. According to the book the saint was born in Etawah, but according to all Persian biographies he was born in Tabriz (Persia). All inscriptions give him the epithet Tabrizī and one is categorical to say that he was born in Tabriz (جلال الدین شه تبریز مولد)². The evidence of *Shaykh Subhodaya* that the saint came to Bengal before Muslim conquest of that country also lacks corroboration. All Persian biographies agree that when he came to Delhi, he was received by Sultān Shams al-Dīn Iltutmish. This evidence at once rules out the one available in *Shaykh Subhodaya*. Was it that he came to Bengal once more before he came to Delhi in the time of Iltutmish? The possibility is there, but in the absence of stronger evidence it is safer to stick to a later date. The available materials, therefore, lead us to conclude that Sheikh Jalāl al-Dīn Tabrizī came to Delhi in the reign of Sultān Shams al-Dīn Iltutmish and from there he passed on to Bengal.

Sultān Shams al-Dīn Iltutmish was on the throne from 1210 to 1236. We are told that Sheikh Jalāl al-Dīn Tabrizī was a friend of Shaykh Quṭb al-Dīn Bakhtiyār Kākī and Shaykh Bahā'al-Dīn Zakariyā, even before they came to Delhi and Multan respectively.³ How could Ibn Baṭṭāḥ then meet Sheikh Jalāl al-Dīn Tabrizī in Kamrup in 1346-47? The saint with whom Ibn Baṭṭāḥ met died one year after his visit i.e. in 1347-48. So even if we accept the evidence of Ibn Baṭṭāḥ that the saint lived for one hundred and fifty years, the identification of the Shaykh (of Ibn Baṭṭāḥ's description) with Sheikh Jalāl al-Dīn Tabrizī is impossible. Because if he died in 1347-48 after a life of 150 years, his birth falls in 1198 which means that he was a mere boy when he came to Delhi while the sources at our disposal assert that he already served two great saints and was a friend of two others even before he came to Delhi.

¹ Sukumar Sen: *Bāṅgālā Sāhityer Itihāsa*, Calcutta, A.D. 1940, p. 25.

² 'Abid 'Alī Khān: *Op. cit.*, p. 102.

³ *Tārīkh-i-Firishah*, Briggs, II, P. 760.

At one place, Ibn Battūṭah calls the Sheikh (with whom he met) al-Shīrāzī.¹ This leads us to believe that the traveller himself was in confusion while he was dictating his diary to Ibn Juzayy, after he went back to his native place.

The above discussion makes it sufficiently clear that Ibn Battūṭah could not have met Sheikh Jalāl al-Dīn Tabrizī. The saint did not live so late as 1346-47 when Ibn Battūṭah visited Bengal. There is therefore reason to suspect that Ibn Battūṭah confused the name of the saint he met. But the question arises, if Ibn Battūṭah did not meet Sheikh Jalāl al-Dīn Tabrizī, then whom did he meet. A study of the inscriptions discovered from Sylhet will give the answer.

Two inscriptions so far discovered from Sylhet refer to one Sheikh Jalāl. They are discussed below :—

- (i) An inscription dated 911/A.D. 1505, records the construction of a blessed building by one who is “devoted to Sheikh Jalāl Mujarrad of Kunyā”.²
- (ii) An inscription dated 918/A.D. 1512, pays homage to one “Sheikh al-Maṣḥa’ikh Makhdūm Sheikh Jalāl Mujarrad bin Muḥammad” and records that Sylhet was first conquered by the Muslims in 703/A.D. 1303 in the time of Sulṭān Fīrūz Shāh.³

Both these inscriptions were found at the *dargāh* of Shāh Jalāl at Sylhet. Traditionally, Shāh Jalāl’s name is associated with the first conquest of Sylhet by the army of Islām. The same account with variation in details, is also available in the *Gulzār-i-Abrār*⁴ and *Suhayl-i-Yaman*,⁵ a later biographical work prepared by Nāṣir al-Dīn Ḥaydar towards last half of the 19th century.

¹ *Voyages D’Ibn Baṭṭūṭah*, text edited and translated into French by Defre’mery and Sanguinetti, Paris, A.D. 1853-59, Vol. IV, p. 287.

² *J.A.S.B.* 1873, pp. 293-94.

³ *J.A.S.B.* 1922, p. 413. The inscription is now preserved in the Dacca Museum.

⁴ *Journal of the Asiatic Society of Pakistan*, Vol. II, 1957, P. 66.

⁵ Newal Kishore edition, A.D. 1880. According to this book, Shāh Jalāl came from Yaman. So is also the traditional account. But in the face of stronger evidences the age-long tradition has to be revised.

Fortunately it is also corroborated by one of the inscriptions recorded above. The inscriptions further prove that he came from Kunyā in Turkey. He is therefore a different man from Shaykh Jalāl al-Dīn Tabrizī. This is corroborated by the account of the saint given in *Gulzār-i-Abrār* of A.D. 1613 which is based upon an earlier account of Sher 'Alī Sher's *Sharḥ-i-Nuzhat al-Arwāḥ*.¹

Sheikh (Shāh) Jalāl of Sylhet was therefore the saint whom Ibn Battutah met. He first came to Sylhet in or about 703/A. D. 1303. So it is not unreasonable to suggest that he lived upto 1346-47 when Ibn Battutah visited Bengal. The identification fits in with another evidence of Ibn Battutah that the people of the hilly region of Kamrup accepted Islam in the hands of the saint.² So Shāh Jalāl of Sylhet must have been the saint mentioned by Ibn Battutah.

Among modern scholars H. Beveridge³ and Agha Mahdi Husain⁴ are inclined to identify Sheikh Jalāl al-Dīn Tabrizī with Shāh Jalāl of Sylhet. But the above discussion has sufficiently made it clear that Shaykh Jalāl al-Dīn Tabrizī and Shāh Jalāl of Sylhet were two different persons. As known from inscriptions supported by *Gulzār-i-Abrār*, the former was Tabrizī and the latter was Kunyayī. To Beveridge who wrote as early as 1895, some of the inscriptions and the correct reading of a few more were not available⁴, but we are surprised to note that Dr. Agha Mahdi Husain writing as later as 1953 has also left the inscriptions out of consideration. Dr. Husain rejects the evidence of *Gulzār-i-Abrār*⁵ without even recognising the fact that it is corroborated by inscriptions.

¹ *Journal of the Asiatic Society of Pakistan*, Vol. II, 1957, p. 66.

² *Voyages 'Ibn Battutah*, text edited and translated into French by Defre'mery and Sanguinetti, Paris 1853-59, Vol. IV, p. 217.

³ H. Beveridge in *J. A. S. B.* 1895, pp. 230 ff.

⁴ Agha Mahdi Husain: *The Rehla of Ibn Battuta*, Oriental Institute, Baroda, A. D. 1953, p. 238, note 3.

⁵ For example, Sylhet inscription (published in *J. A. S. B.* 1922) and correct reading of some inscriptions published in Abid Ali Khan's *Memoirs of Gaur and Pandua*, were not available to him.

⁶ Agha Mahdi Husain: *Op. cit.*, p. 238, note 3.

CORDOVAN MUSLIM RULE IN IQRITISH (CRETE)

(827-961 A. C.)

by

DR. S. M. IMAMUDDIN, UNIVERSITY OF DACCA.

Cordovan revolt.—Ḥakam I (796-822 A. C.), the Umayyad Amīr of Spain, was not popular among the Fuqahā' (theologians) who once made unsuccessful attempt to offer the throne of Spain to Ḥakam's brother Ibn Shammās in 805 A. C. The Amīr trusted no one and increased the number of his bodyguard composed mainly of Muslim slaves and Christians to a strength of about 6,000. They were called mutes because they did not know Arabic. The Amīr had to spend a large sum of money on this special force and, therefore, he had to impose town duties and extra taxes on the Cordovans causing discontent among the people. The Negro slave soldiers very often indulged in acts of lawlessness. This infuriated the Cordovans and though, after the massacre of the nobles of Toledo in 807 A. C., both Toledo and Cordova remained peaceful for seven years, discontent nevertheless grew steadily among the students and Fuqahā' in the quarter of *Arrabel del Sur* of Secunda, the southern part of the capital, and a serious rebellion broke out in 814 A. C. One day when the Amīr was going as usual to the mosque for his prayer a citizen insulted him to his face to the great satisfaction of the people. The Amīr was infuriated at this insult and put ten men to death in punishment. This angered the Cordovans all the more and led the theologians to inflame the passions of the Cordovans. Yaḥyā directed the movement but the man who took the most active part in instigating the people to rise against the Amīr was Ṭalūt.¹ One day in the month of Ramaḍān 18/May 814 a member of the Amīr's Mamlūk bodyguard asked an armourer to polish his sword. When the armourer delayed in doing this the bodyguard got excited and killed him. An armed mob of a large number of Cordovans, thereupon, gathered before Ḥakam's Palace intending to kill him. The Amīr sent a contingent of troops to disperse the rebels, but it was defeated. In rage Ḥakam ran out of the palace to fight

1 Ibn al-Khatib, *The Khilāfat-i-Muwahḥidīn*, p. 16.

against the rebellious Cordovans and ordered his cousin 'Ubayd Allāh, one of the brave warriors of his days, to cut his way out with a band of picked horsemen through the mob and to set fire to the *Arrabel del Sur*, the theologians' quarter. When the mob withdrew from the palace to extinguish the fire and to save their families and property, Ḥakam and 'Ubayd Allāh attacked the mob from two sides with such fury that the Cordovans fled in confusion. The Negro bodyguards slaughtered them right and left. A few theologians on the very day of disturbance came to Ḥakam to ask for pardon on behalf of the Cordovans but they were put into the prison of Aduera¹ and their guard Judayr was ordered to kill them. When Judayr hesitated and delayed in executing the order he was replaced by Ibn Nadir² who hanged three hundred Cordovan rebel chiefs head downwards.

Their expulsion from Spain.—The fate of those who escaped the general massacre was left undecided until Ḥakam had consulted his wazirs as to what to do with them. The ministers were divided in their opinions. Ḥakam, however, disapproved the idea of exterminating and hunting them to a man and leaned to the side of those who suggested their expulsion from the country. The *Arrabel del Sur* of Sēcunda, south of the Guddalquivir, which was the stronghold of the neo-Muslims, the staunch followers of Fuqaha' was razed to the ground³ and the rebels were ordered to quit Spain within three days on penalty of death although Yahyā, Ṭalūt and several other notable theologians were set free. Writing about this, Scott observes, "But while the offences of the populace were thus punished with inexorable rigor, the principal offenders, the promoters of sedition, were the recipients of extraordinary clemency. The explanation of this partiality is to be found in the fact that the mass of the insurgents was of a foreign and, despite their bigoted adherence to the orthodox faith, of a

¹ The present Campo de Calatrava.

² Cf Ibn al-Qūṭīyah (J. Ribera), *Historia de la conquista de España*, Madrid, 1926, pp. 55-7/44-6 tr.

³ The sensational episode earned the sobriquet al-Rabaḍ (the suburban) for Ḥakam I who composed a long poem on the same event. Cf. Ibn Abbār, *Ḥullah*, p. 38; cf. Ibn al-Qūṭīyah, *Ifritāḥ al-Andalus*, pp. 50, 51; cf. *Majmū'ah Akhbār al-Andalus*, pp. 130, 132, 159.

detested caste. The religious teachers of the Malikites, on the other hand, were largely descended from the Koreish, and the ties of blood and the antipathies of race were considerations of greater moment in the mind of al-Ḥakam than the insult to his person or the danger to his crown. Some of the leaders who had been prominent in the late troubles were permitted to escape; others underwent short terms of imprisonment; many received the benefit of a general amnesty. The arch-conspirator, Yahyā, was of this number, and his talents or his audacity soon restored him once more to certain degree of royal favor".¹

With the order for explanation of the Cordovans the general massacre and plunder ended and they with their wives and children carrying pieces of portable luggage prepared themselves to quit Spain in small batches, for they were not allowed to depart in a body. But still more misery and suffering awaited them. Robbers and soldiers of bad characters hid themselves in bushes to fall upon them on their way. Those who tried to save their wealth were killed. Thus many were plundered and slaughtered before they reached the coast, where they formed themselves into two groups, one to sail for North-West Africa and another for Egypt.

The Cordovan settlement in Fez.—Eight thousand families found asylum in Morocco. They were cordially welcomed by Idrīs II in Fas (Fez) which had been founded by his father Idrīs I in 789 A. C. and where refugees from Spain had also settled earlier. They were settled in front of al-‘Alīyah or Madinat al-Qarawiyyīn newly founded by Idrīs II. The Andalusian quarter became known as Madinat al-Andalusiyyīn² or ‘Idwat al-Andalus (the Bank of the Andalusians).³ As the Arabs of Qayrawān and Cordova hated each other their quarters were

¹ *History of the Moorish Empire in Europe*, I, Philadelphia, 1904, pp. 467-8.

² Cf. E. Garcia Gomez, *Historia de Espana* (Sp. tr. from Levi-Provençal's *Histoire*), IV, Madrid, 1950, p. 111.

³ Cf. Hitti, P. K.—*History of the Arabs*, p. 512, n².

separated by constructing a wall between them.¹ The Cordovan refugees who were good gardeners, architects and artisans were a great asset to Fez. They utilized their experience and techniques in developing and beautifying the city and its suburbs.²

Their settlement and rule in Alexandria.—According to 'Arab historians another comparatively bigger group of Cordovan refugees, mainly warriors, 15,000 in number, excluding women and children, exhibited a more enterprising spirit in a far distant land and undertook a more adventurous journey than the first group which settled in Fez. They sailed towards the East from Mediterranean Sea and lay anchored off Alexandria about 199/814-15.³ Amari is of the opinion that they reached Alexandria eight years after the Cordovan catastrophe. According to him during these years they sojourned here and there in Spain and Africa till Ḥakam or his son 'Abd al-Raḥmān II supplied them with tools to sail for distant land. Being armless and penniless they roamed about on the other side of the Balearic islands and the land of Italy till they concentrated gradually in the suburbs of Alexandria.⁴ But his views are not corroborated by Nuwayrī and other 'Arab writers who make us believe that their arrival in Alexandria was the succeeding event to Cordovan revolt.⁵ When the Cordovans had raised their heads against Ḥakam I the Egyptians had also revolted against Mā'mūn the 'Abbāsīd Khalifah of Baghdād. The rebel chief 'Ubayd Allah b. al-Sarī⁶ had declared himself an independent ruler and with the

¹ Cf. Aḥmad Anauri, I, pp. 71, 72; Kremer, *Description de L'Afrique*, p. 69 quoted by Mariano Gaspar, *Cordobes Musulmanes en Aljandria y Creta in Homenaje a Codera*, Zaragoza, 1904, p. 221 n¹.

² Cf. Levi-Provencal, *La Fondation de Fes in Ann. Inst. Et. or de Argel*, t IV, 1938, pp. 23-53.

³ Dozy, *Histoire*, II, p. 355; Herzberg, *Geschichte der Byzantiner und des Osmanischen Reiches*, pp. 128-9 quoted by Mariano in *Homenaje a Codera*, p. 222 n ; cf. Albornoz, *La Espana Musulmana*, Argentina, I, pp. 136, 137.

⁴ Cf. *Storia del Musulmani di Sicilia*, I, 160; cf. G. Wiet, *L'Egypte de la conquete arabe a la conquete Ottomane* in the *Histoire de l'Nation egyptienne* of G. Hauoteaux, Vol. IV, Paris 1937, pp. 68-9, 71-2.

⁵ Cf. Gaspar y Remiro, *Nihāyat al-arab* (Fr. Tr.), II, 274 : Ibn Abbār Daz, *Notices*, etc.), p. 39; Maqqarī, *Nafḥ al-Tib*, 219 ; Ibn Atḥir, VI, 279-81.

⁶ Riyāsat 'Alī, the *Tārīkh-i-Undalus*, I, Ā'zamgarh, 1950, p. 385.

support of the Lakhmī 'Arabs and the believers in the Puritanistic doctrine established a small republic.¹ An attempt of the people of Alexandria in this chaotic period to shake off their titutor sovereignty helped the Cordovans in establishing themselves in Alexandria under the leadership of Abū Ḥafṣ 'Umar b. 'Isā b. Shu'ayb al-Ballūṭī, a Cordovan of the valley of Pedroches (Faḥṣ al-Ballūṭ),² who formed an alliance with a strong native Bedouin tribe but when they could not pull on well with them as they were hated and despised they fell out with them and declared their independence at Alexandria in 200/816.³ It is related that one day a quarrel arose between a Cordovan refugee and an Alexandrian butcher over a trifling matter culminating in the death of the Cordovan. Thereupon the Cordovans took up arms against the Alexandrians, killed many of them and occupied the city.⁴

In spite of all odds, and repeated attacks of the 'Abbāsids, the Cordovans retained possession of the great entrepôt of the Mediterranean and ruled over it for about twelve years.⁵ They defended themselves against the 'Abbāsids and made occasional incursions into the Mediterranean islands. This was the time when there had broken out in Byzantine a civil war being provoked by Tomas de Capadocia against the Emperor, Michael II (820-29 A. C.) of the Isaurian Dynasty. The Byzantine possessions in the Aegean Sea had, therefore, been left unprotected.⁶ Thus internal trouble in the 'Abbāsīd Empire gave Abū Ḥafṣ an opportune respite to settle his followers in Alexandria leading ultimately to the establishment of his rule similarly the civil war in the

1 E. Garcia Gomez, IV, p. 111.

2 E. Garcia Gomez, p. 111; cf. Ibn Khaldūn (*Ibar*, IV, p. 211) who devotes a complete chapter on 'Umar b. Shu'ayb, cf. al-Dabbī, *Buḥ̣yat al-Multamis*, Madrid, 1885, p. 394.

3 Conde (*Historia*, I, Barcelona, 1844, pp. 248-52 or 202-05) tells us a different story altogether.

4 Ibn al Khaṭīb, the *Khilāfat-i-Muwahḥhidin*, MS. no. 37 of the Royal Academy of History, Madrid, fol. 148 quoted by Mariano in *Homenaje a Codera*, p. 223.

5 Garcia, p. 111—ten years; Scott, I, 467—more than twelve years.

6 Cf. Mariano in *Homenaje*; p. 223.

Byzantine Empire gave him opportunity to raid the Greek islands in the Aegean Sea from 821 A. C. onwards. During this period Crete, the largest island in the Eastern Mediterranean Sea, where the Grecian World had first arisen thousands year ago, was also raided by the Cordovans. Yāqūt states that much before the final occupation of Crete a part of it had been occupied by Shu'ayb, the son of Abū Ḥafṣ.¹ Vasiliev says that the Cordovans raided the island with ten or twenty vessels and took away many prisoners and a rich booty to Egypt.²

Expulsion from Alexandria.—Mā'mūn at last took drastic measures against the rebels in the western districts of his Empire. The 'Abbāsīd Emperor appointed 'Abd Allāh whose father Ṭāhir b. Ḥusayn³ had been Viceroy of the East from 820-2 A. C. governor of Syria and Egypt in 209/824-5. The 'Abbāsīd General restored order in Mesopotamia and suppressed the rebellion of 'Ubayd Allāh b. al-Sarī⁴ in Fustāt and marched on Alexandria in 210/April 825-6 threatening the Cordovans to surrender the city or to get ready for defence. Being hard pressed Abū Ḥafṣ accepted the first alternative on condition that he would be given money and liberty to move with his men out of the 'Abbāsīd territory. 'Abd Allāh accepted his conditions⁵ and the Cordovans sailed out of Alexandria sometimes after June 826 in forty ships⁶ along with their women and

¹ Cf. *Geographias*, Worterbeich, I, pp. 336, 337; cf. Abū 'Abd Allāh al-Ḥumādī's work quoted by Conde, I, p. 206.

² *Byzance et les Arabes*, vol. I, Bruxelles, 1935, p. 54, n².

³ Cf. Ibn Khallikān's *Biographical Dictionary* (Fr. Tr. by de Slane), vol. II, Paris, 1843, pp. 49-53.

⁴ Riyāsat 'Alī, *the Tārīkh-i-Undalus*, Ā'zamgarh (India), 1950, I, p. 386.

⁵ Kindī, *Kitāb al-Umarā'* ed. H. Guest, Leyden, 1912, pp. 158, 161 seq; Riyāsat 'Alī (*Tārīkh-i-Undalus*, I, p. 386) says that Abū Ḥafṣ claimed to be the rightful master of Alexandria because he had not taken it from the 'Abbāsīd Khalīfah. When it was reported to Mā'mūn whom the author confused with Hārūn, he deputed Harthimah b. 'Ayn to decide the case. Ibn 'Ayn was convinced of his contention and offered a handsome amount of money as a price for his right over Alexandria.

⁶ Vasiliev, p. 55.

children towards Crete which they selected for their new abode for it offered easy conquest.¹

Conquest of Crete.—During their long stay in Alexandria the Cordovans had taken stock of the situation in the islands of the Aegean Sea. Receiving supplies and money from the 'Abbāsids and being accompanied by volunteers² from Alexandria they did not feel difficulty in landing in Crete towards the end of 826 or in the beginning of 827 A. C.³ Amari says that after landing in Crete Abū Ḥafṣ burnt some of those boats which he had acquired in Alexandria for emergency purpose and which had become useless for further navigation.⁴ According to the Byzantine accounts the Cordovan Amīr Abū Ḥafṣ whom they called Apocapso⁵ had ordered to set on fire all the boats which might have transported the Cordovans back to their lovely country. It produced a strong reaction on the minds of the Cordovans who lost all hopes of returning to Spain and reuniting with their children and wives many of whom had been left behind in Spain. They were consoled by Abū Ḥafṣ in the following words: "Why do you lament? I have brought you to a country of abundant milk and honey. This is your actual country; take rest in it and forget the place of your birth. Here you will have women more beautiful and charming than you had previously and they will give you all the satisfaction that you desire".⁶

Settlement in Crete.—Abū Ḥafṣ established his first camp with parapets and ditches in a low land near the Bay of Lads (Souda)⁷ whence it was later shifted to a highland near the pro-

¹ Cf. Ibn Athīr, VI, 279, 281; Maqqarī, I, 219; Ibn Abbār (Dozy, *Notices*), p. 39; Ibn Khaldūn, IV, 47, 127, 211, Vasiliev, p. 52, 55; during the wars against the Byzantines Mu'awiyah I conquered temporarily the Mediterranean islands Rudis (Rhodes) in 672 Iqrīṭīsh (Crete) about two years later.

² Cf. Mariano in *Homenaje a Codera*, p. 224; Amīr 'Alī, *History of the Saracens*, p. 269-70.

³ This is the probable date. Historians and chroniclers give different dates 211-ZH /June 826-27; cf. Vasiliev, p. 56 n.1; cf. E. W. Brooks, *The Arab Occupation of Crete in the English Historical Review*, XXVIII, 1913, pp. 431-3.

⁴ *Storia del musulmani di Sicilia*, I, 160; cf. Vasiliev, p. 55.

⁵ Cf. Mariano in *Homenaje a Codera*, p. 225.

⁶ Cf. Theophanes continuatus, pp. 73-7, 79-81; Symeon Magister, pp. 621-4; Gibbon (Sp. Tr.), VI, 406, quoted by Mariano in *Homenaje a Codera*, p. 224; cf. Vasiliev, p. 55, n.3.

⁷ Cf. *Homenaje*, p. 224; Vasiliev, p. 55.

montory of Charax. Fortified with moats this camp developed, in course of time, into a town known as al-Khandaq, e.g. the modern Chandax or Candia¹ a term which is also applied for the whole island. After the end of the civil war in 824 A. C. Michael II was free to turn his attention towards Crete, but he had become too exhausted to take any firm action against the Cordovans' landing or to protect his possessions in the Aegean Sea from the depredation of the pirates of Spain and Africa. The two expeditions that he sent for driving out the Cordovans from Crete were successfully repulsed. For the second expedition he had to pay forty gold coins to each man participating in the expedition.² Being master of one fort Abū Ḥafṣ easily went on conquering fort after fort till not a single fortress remained in the possession of the islanders.³ Subsequent to the establishment of the town of al-Khandaq according to Vasiliev, twenty new towns fell into Muslim hands and the inhabitants were reduced to slavery. According to him finally only one town was left in the hands of the Christians to preserve and foster their culture.⁴ He thus established gradually his rule so firmly that his descendants ruled over the island for about one hundred and thirty-five years.⁵

Abū Ḥafṣ devoted himself to the development of the country. For administrative purpose, the island was divided into forty districts.⁶ Soon the island became economically and culturally prosperous. Muslims were invited from Spain, Egypt and Syria to settle in the island which became, in course of time, a formidable stronghold of the Muslim people and their faction and culture in the Mediterranean.

¹ Cf. Vasiliev, p. 56, n 1. Cf. E. Brooks, *The 'Arab Occupation of Crete in the English Historical Review*, VIII, 1913, pp. 431-3.

² Cf. Vasiliev, p. 61.

³ Cf. *Homenaje*, p. 225.

⁴ Cf. *Byzance et les Arabes*, I, pp. 56-7.

⁵ Cf. Mariano (*Homenaje*, p. 225) wrongly calculates 140 years.

⁶ Cf. Mariano in *Homenaje*, p. 225.

The fertility and natural wealth of the island enchanted the Muslim occupants.¹ The Cretans cultivated lands and kept herds of sheep and flocks of other animals. The chief occupation of the people living in the islands of the Aegean Sea was the rearing of domestic animals. This is indicated by the fact that the people of one of these islands had been called the people of animals (Aṣḥāb al-Baqar) by the 'Arab writers.² The Cretans produced honey and milk in abundance.³ They carried on trade with neighbouring islands and coastal towns.⁴ Being superior to their neighbours in naval power they did not allow mariners and merchants of other countries to sail and trade in the Aegean Sea unless they were permitted to do so on paying taxes to them.

Neither the details of the social and cultural activities of the Cretans are known nor are these of the system of the rule and administration of Abū Ḥafṣ and his descendants. We do not even have a complete list of the rulers of the dynasty founded by Abū Ḥafṣ 'Umar al-Ballūṭī.⁵

Muslim Naval Centre in Crete.—In the Medieval age there were three main naval centres in the Eastern Mediterranean Sea. These were the Muslim centres in Syria, Africa and Crete. Of all these centres Crete was the most important. It was due to the efforts of Abū Ḥafṣ and his successors that Crete enjoyed such a distinction in the naval history of the Mediterranean Sea in the ninth and tenth centuries. It controlled the maritime activities in the Eastern Mediterranean Sea for about a hundred and thirty-five years from the second quarter of the ninth century onwards. After occupying the island, Abū Ḥafṣ declared himself king and with a fleet of forty boats raided the neighbouring islands without taking into account that the Emperor of Constantinople had any power to

1 Cf. Vasiliev, p. 55, n¹.

2 Cf. *Ibid.*, p. 59.

3 Cf. *Ibid.*, p. 53; cf. *Homenaje*, p. 224, n³.

4 Cf. *Homenaje*, p. 225, Riyāsat 'Alī (*The Tārīkh-i Ṣaqlīyah*, II, 178) says that Sicily had relations with Andalusia, North Africa, Egypt, Malta and other Mediterranean islands.

5 Cf. E. De Zambaur, *Manuel de genealogie et de Chronologie pour L'histoire de l'Islam*, Hannover, 1927, no. 48, p. 70, quoted by Garcia Gomez, *Historia*, IV, p. 367, n¹⁵⁵.

put the Muslim raiders to task.¹ Mariano says that the Cretan Muslims amassed wealth by repeated attacks on the coast and the neighbouring islands and capturing prisoners and acquiring booty.² Due to the continuous raids the islands of Aegina came to be deserted. A large number of the islanders were taken prisoners while others fled. Theodora of Thessalonica also migrated along with her husband and the islands fell into the hands of the Ismailis and remained deserted till the beginning of the 10th century.³ Similarly due to the fear of African and Cretan raids other islands like Archipel also became uninhabited.⁴ By their repeated raids on the Byzantine territory the Cretans created havoc in the hearts of the Byzantine rulers⁵ who, time and again, made counter-attacks sometimes with success. The Byzantine fleet was completely destroyed by the Cretans fleet off Thasos in October 829 A. C. Later the Byzantine Emperor Michael II mustered a fleet of seventy ships against the Cretans near Asia Minor and captured many 'Arab prisoner.⁶ But the Byzantine expedition in March 843 met the same disaster.⁷ During the period of the sack of Damietta, the Byzantines burnt a store house for sails of ships in 238/853 and captured the supply of arms which was intended for Crete.⁸ The Cretans raided the island Mytlen in 862 A. C. and destroyed the monastery of Athos and the small island of Neon in 866. The Byzantine Emperor, Michael III, sent a series of expeditions to occupy Crete but to no purpose.⁹ Later Byzantine Emperors like Leo VI and Constantine VII led unsuccessful counter-expeditions against Crete in the 10th century. The forced landing of the Byzantines in 949 A. C. during the reign of Constantine VII had been a total failure. Both these two rulers incurred heavy expenditure on the expeditions, often more than £ 1,40,000 on an expedition.¹⁰ In the 10th century, the Cretans harassed the coasts of

¹ Cf. Albornoz, *La Espana Musulmana*, I, Argentina, 1946 p, 137.

² Cf. *Homenaje a Codera*, p. 225.

³ Cf. Vasiliev, pp. 57-8, n¹.

⁴ Cf. *Ibid.*, p. 58, n².

⁵ Cf. *Homenaje a Codera*, p. 225.

⁶ Cf. Vasiliev, p. 60, n. 2.

⁷ Aly Mohammed Fahmy, *Muslim Sea-Power in the Eastern Mediterranean*, London, 1950, p. 72, n⁴ and ⁵.

⁸ Cf. *Ibid.*, p. 73.

⁹ Cf. *Ibid.*, p. 31, n⁴.

¹⁰ Cf. Vasiliev, p. 258.

Greece and settled down in the Athens from where three Kufic inscriptions have been discovered lately.¹ The Cretan ships not only touched the Byzantine islands in the Aegean Sea and the Greek coasts but also ravaged the Asiatic Coasts in 841 and plundered the coast of Asia Minor in 862 A. C. The Cretans whose fleet, consisted of twenty Cumbari, seven galleys and some *saturae*² acquired rich booty in Asia Minor in the form of men and money.³

Byzantine Relations with Spain.—The Byzantines being hard pressed by the 'Abbāsīd attack on the eastern frontier of their Empire and the regular raids of the Cretans on the Byzantine islands and Coasts opened negotiations with the Umayyad rulers of Spain. According to Ibn Ḥayyān the Byzantine Emperor took the initiative in establishing diplomatic relations between Andalus and Byzantium. In 840 A. C. the Byzantine Emperor, Theophilus, sent a Greek called Qartiyūs, who knew Arabic, to the court of 'Abd al-Rahmān II in Cordova with a request to conclude a treaty of friendship with him. He induced him, at the same time, to recapture his ancestral territory in the East denouncing the attitude of the 'Abbāsīds and their vassals, the Aghlabīds. He claimed, once again the restoration of Crete which had been occupied by the Cordovan chief Abū Ḥafṣ al-Ballūṭī to him. But he could not achieve much from these negotiations nor could he create any interest in the Amīr for Crete. The Amīr was satisfied only with concluding a friendly treaty with him and sending presents in return through two of his courtiers.⁴ The successors of Theophilus also failed to procure aid from Cordova against the Cretans. 'Abd al-Rahmān III, however, being influenced by the cultural and economic superiority of the Byzantines entered into friendly relations with the Greek Emperor though politically neither of the two gained anything out of this friendly relation.

¹ Cf. Fahmy, p. 95, n 7.

² Cf. D. G. Kanpouroglous, *The Saracens in Athens; Social Science Abstracts*, vol. II, 1930, no. 273; G. Soteriou, *Arabic Remains in Athens in Byzantine Times*, vol. II, 1930, No. 2360 quoted in *History of the Arabs*; p. 451, n 4.

³ Cf. Finlay, G.—*A History of Greece from the conquest by the Romans to the present time*, Oxford, 1877, vol. II, p. 190, n 2; cf. Vasiliev, p. 258; Bury, J. B., *A History of the Eastern Roman Empire*, London, 1912, p. 293, n 5, quoted by Fahmy, p. 73, nos. 1 and 2.

⁴ Cf. E. Garcia Gomez, pp. 162, 346.

Cretan relations with Spain.—To counter the Byzantine attempt the Cretan Muslims established friendly relations with the neighbouring Muslim countries: They invited Muslims from Syria, Africa and Spain to settle down in Crete and helped the Aghlabid rulers who were the enemies of the Byzantines in the conquest of Sicily.¹ After settling down in Crete, the Cordovans established economic and cultural relations between Crete and Spain which is apparent from various indications given in the biographical notices of the 'Arab travellers, scholars and statesmen. Ibn al-Faraḍī says that a Cordovan, Marwān b. 'Abd al-Malik b. al-Fakhkhār, the old disciple of Qāḍī Baqī b. Maḥlād, went to the East, visited many places and settled in Crete during the time of Amīr Shu'ayb b. Abū Ḥafṣ in the 10th century. He was welcomed cordially and included in the first rank of the jurists of the island where he often received many of his countrymen. The biographer adds that after their return to Spain they related the story of the hard life that al-Fakhkhār had been living in Crete even though he possessed a house with a few storeys furnished with twenty slave girls of great value and a library specially of historical works and traditions.²

Re-conquest of Crete by Byzantines.—Referring to the Byzantine re-conquest of Crete, Nuwayrī says that when the Byzantine Emperor Roman II failed to capture it by fighting a pitched battle he thought of a stratagem and started sending valuable presents to 'Abd al-'Azīz, son of Ḥabīb,³ son of 'Umar, the ruler of Crete. Roman II sent as presents boxes full of rich garments. A friendly treaty was thus concluded, in course of time, between them. Later the Byzantine Emperor sent a Muslim envoy from among the Cretans to 'Abd al-'Azīz. The envoy said that they were neighbours and friends and pleaded on behalf of the people of the neighbouring islands. He added that the islanders were

¹ Cf. E. Garcia Gomez, p. 223. The Aghlabid ruler Ziyādat Allāh I (817-38) had sent the first expedition to Sicily in 827 A. C.; but the island was finally conquered in 902.

² *The Kitāb Tarikh-i-'Ulamā' al-Andalus*, no. 1413, pp. 411-2 quoted by E. Garcia Gomez, p. 367 n 155.

³ Cf. *Homenaje*, pp. 225, 232; Albornoz, I, p. 137; but Garcia Gomez (p. 346) calls him Shu'ayb.

poor and did not live a settled life due to the frequent raids from the Crete. Many of those islanders who had left the islands due to the fear of raids wanted to return provided they were given an assurance for the safety of their life and property and provided with facilities in rehabilitation works. The Byzantine Emperor promised to pay an annual tribute, double the amount that the Cretan king used to amass from his various incursions throughout the year provided he agreed to allow them to resettle in their islands and to carry a trade between their islands and Crete and the Mediterranean coast. Believing in the good faith of the Byzantine Emperor, the Cretan king accepted the proposal and negotiated accordingly. A handsome amount which satisfied him was fixed as annual tribute payable by Byzantine Emperor.¹

Roman II paid the tribute regularly. The Greek merchants began to carry on trade between Crete, other neighbouring islands and Constantinople. With the opening of trade, the wealth of Crete increased and her military expenses decreased. Later Constantinople suffered from famine and the Greek Emperor sent a messenger to 'Abd al-'Azīz saying that he had a number of 'Arab horses which he was unable to maintain in his country which was visited by a draught. He sought permission from the Muslim king to send a herd of horses to his country for pasturage promising to hand over to him all the male progeny of the animals which might be born in Crete. 'Abd al-'Azīz without understanding the complication of the problem agreed to the proposal. Thus obtaining pasture lands for his 500 horses Byzantine Emperor now thought of occupying the island itself. He sent a trained army under the command of Nicephorous Phocas² in Muḥarram 350/February 961. The Byzantine fleet touched the shore in that part of the island where the Greek horses had been kept ready for the soldiers. The Muslim king and citizens were taken by surprise. 'Abd al-'Azīz tried to defend himself and the country but it was too late. The Muslim capital were taken by assault and the king, along with many of his nobles and military officials, was slain. The

1 Cf. Albornoz, I, pp. 137-8; Mariano in *Homenaje*, pp. 225-6, 231-2.

2 Cf. E. G. Gomez, p. 111; *Homenaje*, p. 227; Albornoz (I, 138) writes Niceforo el Domestico.

wives and children of the Muslim nobles and soldiers were taken prisoners but the non-combatant citizens were left unmolested. The island was then fortified strongly by the Byzantines and the latter realized not only the booty double that of the amount they had spent in satisfying 'Abd al-'Azīz but also the island itself by their strategem.¹

Mariano Gaspar doubts if there was any truth in the story of the re-conquest of Crete by the Byzantines as related by Nuwayrī. Other 'Arab writers like Yāqūt and Ibn Khaldūn simply mention that Nicephorus Phocas attacked the island with 72,000 men and 5,000 horses towards the end of Jumādā I, 349/June 960. The Muslims became tired of war and compelled by the dearth of food caused by the incessant blockade for seven months.² Nicephorus penetrated into the island by making an assault in the middle of the month of Muḥarram 350/February 961 and captured its ruler 'Abd al-'Azīz along with many of his soldiers and attendants. A large booty fell into the hands of the Christians. Three boats were utilized to carry the prisoners of war along with the rich booty to Constantinople.³

It matters little whether the Byzantines conquered the island by direct military assaults or by adopting the strategem mentioned. But it is, of course, strange to note that the island which was the strongest Muslim naval centre in the Eastern Mediterranean Sea and created havoc in the hearts of the strong

¹ Cf. al-Nuwayrī, *Nihāyat al-arab*, Arabic MS. of the Royal Academy of History, Madrid, last folio quoted by Marano in *Homenaje a Codera*, pp. 231-3 and see also pp. 226-7; cf. al-Nuwayrī, *Nihāyat* (Fr. tr. by Gaspar Remiro, vol. II) quoted by Albornoz, I, pp. 137-8.

² Mez says that Crete was conquered by the Byzantines after a siege of eight months in 961 and Cyprus fell after five years with which ended the Muslim hold in the Mediterranean. Cf. Salvador Vila *Renaissance del Islam* (Sp. tr.), p. 19.

³ Cf. *Homenaje a Codera*, p. 227; cf. Maqqarī, *Nafḥ al-Tīb*, I, 219; Kimdi, *Wulah*, pp. 161-5; Marrakushī, pp. 13-14; Ibn al-Abbār, *Hullah*, pp. 39-40; Yaqūt, I, 337; cf. Ch. Diehl, *La monde Oriental de 395 a 1081* in the *Histoire du Moyen Age*, De Glotz, III, 462 quoted by E. G. Gomez, IV, p. 367, n 156.

Byzantine Emperors like Constantine VII fell so easy a prey to the hands of the Byzantines during the brief rule of Roman II. The fall of the island which had frustrated so many previous Byzantine expeditions till the middle of the 10th century is worthy of careful study. The reason for the defeat of Crete may be related with the internal and external problems in the island on the eve of its reconquest. Even if we reject the views regarding the Byzantine conquest of Crete put forward by Nuwayrī we will have to believe that a friendly treaty must have been concluded between the Byzantine Emperor and the Cretan King as apparent from the scanty accounts of the reconquest found in other different sources. This friendly accord checked the piratical habits of the Cretans and made their ruler negligent in his military organization and vigilance. The Byzantine Emperor, on the other hand, went on increasing his military strength and utilized the full advantage of the opportunity offered by the situation. He won the friendship of the Umayyad Khalīfah ‘Abd al-Raḥmān III of Spain which might have rendered at least moral support to ‘Abd al-‘Azīz against the Byzantine attack. Further, the rivalry for supremacy between ‘Abd al-Raḥmān III and Mu‘izz, the Fāṭimid Khalīfah of Egypt, gave an opportunity to the Byzantines to extend their influence in the Eastern Mediterranean Sea and ultimately over Crete.

Conversion of Cretan Muslims into Christianity.—According to Byzantine authors the last Muslim Amīr of Crete had been taken as prisoner to Constantinople where he enjoyed a court pension and his son Anemas (?)¹ was employed in the Emperor’s service. The people were allowed to live in the island or migrate anywhere they liked. According to the testimony of Iṣṭakhrī who lived and wrote in the 10th century after acquiring knowledge from his wide travels the Cretans were mostly Muslims.² But soon after the fall of Crete into the hands of the Byzantines forcible conversion began. Under the Byzantines patronage some fervent missionaries devoted themselves to convert the Muslims into Christianity.³

¹ Cf. Mariano in *Homenaje*, p. 227 *Encyclopaedia of Islam*, I, p. 879.

² Ch. *The Kitāb Masalīk al-Mamalik* (B.G.A., vol. I), p. 70; cf. Vasiliev,

pp. 56-7.

³ Cf. Mariano in *Homenaje*, p. 227.

The same Nuwayrī who related an interesting story relating to the Byzantine re-conquest of Crete writes another story as to how the Cretan Muslims were converted to Christianity. In corroboration of the other writers he says that on the occasion of a festival (Natividad) just after the Byzantine re-conquest of Crete the Muslim chiefs of the island were invited to pay homage to the Emperor on the occasion. Accordingly, one hundred middle class Cretans were sent to Constantinople. On their arrival, they were presented before the Emperor who received them with great satisfaction and civility and each one of them was given ten cups of gold. They returned satisfied and happy. On the occasion of the festival *Pascua de Pentecostes* the same persons were again sent to Constantinople. This time when they were presented before the king they were ordered to be put into prison and kept without food and drink, later they were given the option either to accept Christianity or to die of hunger and thirst. Being helpless they were compelled to accept Christianity. Thereupon they were received hospitably and treated with affection by the Emperor. When they returned to see their families they were prohibited from doing so because their family members were yet Muslims. They were given the option either to convert their families into Christianity and live with them happily or to have them sent to prison, a place which was associated with their experience of hunger and thirst. Thus all the remaining Muslims of Crete were converted to Christianity in a single day.¹ Here again the way Nuwayrī explains the conversion of the Cretans into Christianity may not be correct but the fact remains that forceful conversion of the Muslims into Christianity took place in Crete not long after its re-conquest.

¹ Cf. *Homenaje a Codera*, pp. 227-8.

REVIEWS

Hindustān ke 'ahd-i-wuṣṭa ka faujī Niẓām, (Military organization of India in the Middle Ages), compiled by Maulana Sayyid Sabāḥud-dīn 'Abdul-Raḥmān, M.A., published by Dārul Muṣannifin, A'ẓamgarh : price Rs. 8/-.

In the book under review a detailed description of the military organization under the Muslim kings is given. In the days of Sulṭān Shams al-Dīn Iltutmish, Fakhr al-Dīn Muḥammad b. Mubārak Shāh known as al-Fakhrī wrote a book '*Adab al Ḥarb wal Shujā'at*'. Subsequently Abu a'l-Faḍl also discussed this problem in his book *Āin-i-Akbarī*. Prof. Muhammad Shafī reproduced two extracts from al-Fakhrī's book in the Oriental College Magazine in 1937. Here the author has given a more complete account than any one mentioned above. The author has collected his material from various sources and has systematically arranged the same, yet one expected an Introduction to the book. It would have enhanced its usefulness if the author had written some thing about the theory of War and as a preamble would have given an account of similar organization in other Muslim countries.

The book opens with an account of military ranks and titles. Then follows the description of the armament, military uniforms, cavalry, elephant corps, salaries, recruitment, inspections, marches, banners, bands, camping, councils, battle arrays, fighting, siege forts, cantonments, intelligence, drill and parade etc. The causes of disintegration and final collapse of the system are fully described. Under each head numerous sub-heads are given and discussed.

The highest rank was that of the commander-in-chief which was generally held by a king, a prince or a very high official of the State. It would have been a source of information if the author could enlighten us about the kings who commanded their armies themselves and their achievements. As regards titles the author has done full justice, but in arms he has omitted

qarauli, *sherpanja* and *qaranbicha*. Shivaji used *sherpanja* to assassinate Afzal Khān.¹

The author has tried to translate the terms used in Muslim armies e.g. camp which was known as *urdu* or *lashkargāh*.²

The most striking feature of the book is that it is free from any prejudice and bias. The author appears to have a deep knowledge of history and he has selected very judiciously. He has corrected the errors committed by historians like Todd.

The book is very useful for the students of Indian history.

I. S.

¹ See Dr. Moinul Haq's article entitled *Afzal Khan and Shivaji* in *Journal of the Muslim University, Aligarh*.

² Vide *Tabaqāt-i-Nāṣiri* p. 277, *Firuzshāhi* p. 53, *Baburnamah* p. 413, *Tabaqat-i-Akbari* p. 315.

Hindustān 'Arbon ki nazar men, vol. I, compiled by Maulvi Ziauddin Sahib Iṣlahi revised by Maulvi Mu'inuddin Aḥmad Nadwī, printed at Ma'arif Press, A'zamgarh and published by Dārul Muṣannifīn, Azamgarh : price Rs. 6/-.

The book under review is no. 89 of the series of Dārul Muṣannifīn.

The book contains original statements of the Arab authors, geographers and travellers about India with their Urdu translation. The compiler has also given biographical sketches of the authors. The selections from various books are chronologically arranged, the first notice being of the famous literary giant and scholastic philosopher Jaḥiẓ. His book *al-Bayān wal Tabyīn* is one of the four great works of Arabic Literature. Next to him comes the noted geographer Ibn Khurdād Beh, the author of *al-Masālik wal Mamālik*. He is followed by Sulaymān Tājir and Abu Zayd Ḥasan Sirāfī. Both of them are travellers, and their observations are preserved in *Silsalatul-Tawārīkh*. Then the author gives selections from two historical books *Futūḥul-Buldān* by Baladhuri and *Tarīkh Ya'qubi* followed by three geographers Ibn Faqīh, Ibn Rusta and Buẓurg bin Shahryār. Their account is followed by two historians Mas'ūdī and Maqdisī. The book concludes with the accounts of two geographers Iṣṭakhri and Bashshārī.

Undoubtedly there is method in this arrangement but it would have been easy for the purpose of reference and comparison of like material if the compilation had been arranged under different categories, i.e. geographical descriptions, historical accounts and travellers' notes could have been given separately. The author has added informative foot notes to enhance the value of the book and that is his chief contribution.

On p. 3 of Introduction, it is said that Islamic State in Sind was established in A.H. 582/A.D. 1186. As a matter of fact Sind was annexed to the Islamic State by Muḥammad b. Qāsim before the close of the first century, and governors appointed by the

Umayyad and 'Abbāsid caliphs came to rule over the region. When the central government became weak an independent State came into existence. The same was seized by the Carmatheans, and their last ruler Abul Faūth was captured by Maḥmūd of Ghaznin.

In a foot note on p. 4 it is stated that chess symbolises pluck and *chausar*, being a game of chance, represents destiny. As a matter of fact *chausar* combines chance and pluck while pure game of chance is that of cards.

There are notes full of information e.g. on Bulahra, Kamrup, Makran, Qandabīl Sadusān etc. But it appears to be a mistake that Maṣṣārah was founded by Ḥakam s/o Muḥammad b. Qāsim and it was so named as to be auspicious. Both the statements are incorrect; Muḥammad's son was 'Umar and Ḥakam was the son of 'Uwāna of the tribe of Kalb. The city was to commemorate the great victories won by 'Umar (see *Tarīkh-i-Sindh*, p. 139).

As regards the foot note on p. 165, the claim of the author alleging Barmakides to be of Indian origin requires better proof. If the temple of Naubahār was situated in Balkh then it could not be identified with the temple of Daybul. The statement requires elucidation and it is doubtful if it can be substantiated against overwhelming evidence to the effect that the Barmakides belonged to Balkh that they were Magians, not Buddhists.

One cannot be sure in identifying طافن Ṭāfen with Deccan. It has been claimed that the women of Ṭāfen are very beautiful (see p. 292). It is safe to identify it with some place situated in Kashmir or in the vicinity of Kashmir.

It is Maulvi Islāhī's first book and he has acquitted himself well of his responsibilities.



Haḍrat 'Umar ke Sarkāri Khuṭūṭ, (State Letters of the Caliph 'Umar) by Professor Khurshīd Aḥmad Fāriq, Department of Arabic, Delhi University, published by Nadwatul Muṣannifīn, Delhi, and printed at Union Printing Press, Delhi. Price : Rs. 12/-, unbound Rs. 11/-.

The author has very ably collected, compiled, collated and edited letters written by Caliph 'Umar to his governors and military commanders. The editor has given short biographical sketches of the addressees. These letters throw great light on the administrative system and the manner of control of military affairs by the Centre. The letters are arranged chronologically and the text has been given separately for the benefit of those who are well versed in Arabic and want to be profited by the original.

But it would have added to the usefulness of the book if he had written a critical note on his sources also. That would have helped a layman to assess the authenticity of the letters reproduced in the book. He has suggested the criterion of being in conformity with the *Qur'ān* which is very vague and very dangerous. People may put strange interpretations to the verses of the *Qur'ān* and may accept or reject certain letters at their will.

There are certain assertions which require clarification e. g.

ان (ابوعبیدہ) کو جنگ و جدال سے قطعاً لگاؤ نہ تھا

If he had no aptitude for fighting, he could not be a successful general. His successes at the battle fields bear testimony to his proficiency in military craft.

The author has tried to critically examine different versions of the events which took place in those days e. g. the removal of *Khālīd* from the command. It is strange that the author is writing a scholarly book but sometime uses expressions extremely simple and the language becomes colloquial e. g. بھا گئے رومی سپاہی p. 30 in which مفرور could safely be used for بھا گئے

Scholars may differ from the author in drawing conclusions from the letters e. g. the letter addressed to Jabala was really encouraging. Had it been otherwise Jabala would not have joined the

fold of Islam. The letter unequivocally grants a convert to Islam the position enjoyed by the seniors. Likewise the action of Abu 'Ubaydah in giving double share to the owners of Arab horses and approved by the Caliph 'Umar, if historically true, cannot be refuted by saying that Makhūl's tradition is *mursal*.

It is an admitted fact that the works on *Hādith* are more reliable than historical books. The author appears to have the opposite view and prefers *Isti'āb* to Abu Dāwūd (p. 122). Likewise he ignores on p. 118 the tradition related on the authority of the caliph 'Umar by Muslim that he heard the Prophet saying "verily I shall banish the Jews and the Christians from the peninsula of Arabia till there will be only Muslims there" Vide *Muslim* printed and published by Maktabai Shu'aybī at Karachi, vol. V., p. 39. See also *Mishkāṭ*. It is no argument to say that the caliph Abu Bakr would have carried it on if the Prophet had willed it.

The prominent commanders of the Caliphate were Abu 'Ubaydah b. al Jarrāḥ who brought Syria under the yoke of Islamic Caliphate and Sī'd b. Waqqāṣ who conquered Iran for Islam. The most famous commander of Islam, Khālīd b. Walīd had fallen in disfavour in this regime. The author has critically examined his removal from the command (p. 80-88). Muthannā and 'Iyād are also noted for their victories in battle fields.

On p. 195 the author has given the area of one square *Jarīb* as 160 sq. yards which is its perimeter in yds. and its area will be 1600 sq. yds.

On the whole the book is useful work for those busy in research and those who want to have first hand information about that period. It is a valuable addition to literature on the early History of Islam.

H. K. G.

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